

INTERSTATE COMMISSION FOR JUVENILES

West Region Meeting Minutes



October 4, 2022

DoubleTree Hotel, 870 Williston Rd., Burlington, Vermont

3:00 p.m. ET

Voting Members in Attendance:

1. Michael Farmer (CA), West Region Representative
2. Dale Dodd (NM), West Region Alternate Representative
3. Robert Heide (AZ), Commissioner
4. Howard Wykes (AZ), Designee
5. Summer Foxworth (CO), Commissioner
6. Shirleen Cadiz (HI), Designee
7. Cathy Gordon (MT), Commissioner
8. David Laity (NV), Commissioner
9. Nina Belli (OR), Commissioner
10. Raymundo Gallardo (UT), Designee
11. Dawn Bailey (WA), Designee
12. Maureen Clifton (WY), Commissioner

Voting Members Not in Attendance:

1. Kristin Davidson (HI), Commissioner
2. Guillermo Viera Rosa (CA), Commissioner
3. Anne Connor (ID), Designee
4. Neira Siaperas (UT), Commissioner
5. Jedd Pelander (WA), Commissioner

Compact Staff in Attendance:

1. Nichel Saceda-Hurt (AK)

Guests in Attendance:

1. Ryan Youtsey (CA)
2. Sonia Sweeney (UT)

National Office Staff & Legal Counsel in Attendance:

1. Jenny Adkins, Policy and Operations Specialist

Call to Order

Representative Farmer called the meeting to order at 3:03 p.m. ET.

Roll Call

Jenny Adkins, National Office staff, called the roll and quorum was established.

Agenda

M. Clifton (WY) made a motion to approve the agenda as presented. N. Belli (OR) seconded. The motion carried.

Minutes

Representative Farmer tabled approval of the August 2, 2022 meeting minutes until the next meeting.

Discussion

ICJ Dues Update

- Representative Farmer (CA) opened the floor for discussion related to the ICJ Dues Update.
- H. Wykes (AZ) inquired if the recommendation was still to increase dues by thirty-five (35) percent.
- D. Dodd (NM) informed the region that yes, the recommendation of the Finance Committee and Executive Committee remains unchanged. However, there is an alternative which is to increase dues in a progressive manner over five (5) years.
- H. Wykes (AZ) asked if the Finance Committee discussed any of the suggestions provided during the ICJ Dues Update Q&A Session.
- D. Dodd (NM) noted that the suggested were discussed. He explained that he solely runs the New Mexico ICJ Office and needs the support of the National Office who provides training and technical assistance, legal resources, development and support for UNITY, and meeting support. He explained that in his experience on the Finance Committee, the dues increase discussion started in 2019, or Fiscal Year 2020. Then, the COVID pandemic happened which led to reduced expenditures, such as no in-person meetings and a downsizing of the National Office. He further explained that the dues have not changed since 2008, yet the cost of business has increased as evidenced by the inflation rate. He reminded the region that the ICJ Statute requires that dues match the approved budget. Now that the Commission is meeting in-person, the cost savings of the previous fiscal years is no longer realized. Regarding UNITY, he reported that the Commission's reserve funds were used for development and that no investment funds were withdrawn for UNITY. The maintenance costs were set to increase, but the National Office negotiated a lower rate. In addition, flight costs have increased greatly. One suggestion from the ICJ Dues Update Q&A Session was to eliminate in-person meetings, but he noted that the relationships that are built during the in-person meetings are priceless and crucial to ensuring smooth compact operations across the nation. He opined that Zoom meetings depersonalize these essential relationships.
- D. Bailey (WA) asked about the differences from 2019 to 2022.
- D. Dodd (NM) responded that inflation has been substantial over the past few years.
- M. Clifton (WY) noted that on page 70 of the Docket Book contains a history of ICJ dues and options for the budget and dues.
- Representative Farmer (CA) added that National Office staff expenditures constitute the largest items in the budget, such as salary and benefits.
- D. Dodd (NM) noted that the Annual Business Meeting is only 10 – 12 percent of the overall budget.
- N. Belli (OR) pointed out that the average increase is about \$6,400 per year per state/territory and that most members are in either Tier 2 or Tier 3. In relation to the overall state budget, the increase is not that substantial. She reported that relying upon the investments account to cover budget expenses is not

sustainable and that once that money is gone, it's gone and it would be difficult to rebuild.

- D. Bailey (WA) questioned UNITY funding.
- D. Dodd (NM) said that the short-term reserve funds were utilized for UNITY development. He also said that investments and dues are the only sources of revenue, and it will be difficult to rebuild the investment account if it is used for operations.
- H. Wykes (AZ) asked if any funds were currently being directed into the investments fund.
- D. Dodd (NM) said that no funds are currently going into the investment accounts, as surplus was previously used to fund the investment account.
- C. Gordon (MT) asked if the thirty-five (35) percent increase is a one-time increase.
- Representative Farmer (CA) commented that the current recommendation is for a one-time increase.
- D. Bailey (WA) asked about the confidence that the suggested increase will be sufficient or if it will need to be revisited.
- Representative Farmer (CA) indicated that the dues are reassessed every 5 years and is so substantial this time because dues have never been increased. However, he pointed out that if you look in the Annual Report, you'll notice that actual interstate transactions keep declining for transfers of supervision. So, while UNITY is a large expense, it is being used for fewer cases as time goes on.
- D. Dodd (NM) noted that if the dues increase does not pass, the budget won't pass for Fiscal Year 2024. When the Finance Committee members discussed options with their state fiscal departments, the majority supported a thirty-five (35) percent increase over a progressive increase which would be fifteen (15) percent in Fiscal Year 24, then 5.25 percent for the next four (4) fiscal years.
- Representative Farmer (CA) encouraged states to look at both options. He also noted that while costs have been cut, the National Office staff line-items are the largest expenses.
- N. Belli (OR) noted that the thirty-five (35) percent increase would be less confusing for fiscal departments and for those who plan budgets.
- Representative Farmer (CA) said that the dues assessment must occur to maintain Commission expenditures. He also encouraged region members to get involved in Commission committees.
- D. Dodd (NM) said that the National Office did a good job keeping the budget within operating expenses since the disaffiliation from Council of State Governments
- D. Laity (NV) asked what it means if ICJ can't pass a budget increase.
- Representative Farmer (CA) said that the Executive Committee would then make the decision regarding the dues increase and the Fiscal Year 2024 budget.
- D. Laity (NV) asked if we can look at different ways to invest our funds.
- D. Dodd (NM) said that we could look at it, but reiterated that using those funds to cover the budget is not sustainable in the long-run.
- Representative Farmer (CA) said that the investments shouldn't be tapped into regularly, and that the Strategic Plan has increased costs. He suggested that there was a difference between needs and wants, such as the Leadership Series.
- D. Dodd (NM) explained that the Executive Committee works hard to develop the Commission's Strategic Plan.

- D. Bailey (WA) asked about the exact increases in the budget.
- Representative Farmer (CA) clarified the current, projected, and exact amount of the increases. He informed the region that the vote during the General Session would first be for thirty-five (35) percent increase, and if that failed, then a motion would be entertained for the progressive increase.
- H. Wykes (AZ) asked if the Executive Committee had the power to pass either of the options.
- Representative Farmer (CA) informed the region that the new Executive and Finance Committees would work together to make a decision if neither option passes during the General Session.
- R. Youtsey (CA) asked if return on investment projections had been completed on each option.
- D. Dodd (NM) said that the Finance Committee discussed both options and considered budget projections to determine any surplus for investments.

Rule 6-105: Working with local agencies to facilitative a non-delinquent juvenile return with abuse/neglect allegations, abandonment

- Representative Farmer (CA) discussed the issue of a home state failing to return a youth who is being held in a holding state when the parent refuses to requisition the return. The issue is getting the home state Department of Children and Family Services involved. He said that the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) may be effective to establish jurisdiction to affect the return. He asked region states to explain how they have worked with their state agency to return a youth when the parents refuse to take their child back, and to whom are they returned.
- D. Dodd (NM) said that social services cooperation is difficult and often requires director-to-director conversations.
- H. Wykes (AZ) has encountered the issue once and having directors speak to each other was effective in ensuring the child was returned to child welfare, and then to the family.
- D. Dodd (NM) said that when abuse is alleged, returns are even more complicated. Sometimes social services personnel are reluctant to interview the parent because the child is considered to be in a "safe location," but the child is only in temporary detention in the holding state.
- Representative Farmer (CA) suggested that Best Practice document might be helpful and that Idaho is compiling stories related to these types of returns. He suggested a work group to create a Best Practice which could include information about UCCJEA and when to get your state's Attorney General involved.
- D. Laity (NV) said that Gladys Olivares is involved in these types of cases and will confer with her regarding involvement in a work group.
- R. Gallardo (UT) indicated that he is interested in being on the work group as Utah has experienced these types of cases. He also said it has been helpful that Utah's DCFS Deputy Director is on their state council.

State Updates

Alaska

- N. Saceda-Hurt (AK) announced that she is the Designee for Commissioner Heide, and is authorized to vote in his absence.

Arizona

- No Update.

California

- Representative Farmer (CA) updated that the juvenile division is moving under the adult division, and they are working to address staffing issues.

Colorado

- S. Foxworth (CO) reminded the region of her upcoming retirement and announced that interviews are taking place for her replacement.

Hawaii

- S. Cadiz (HI) announced that she is a designee for Commissioner Davidson, and is authorized to vote in her absence.

Montana

- No update was provided.

Nevada

- David Laity (NV) updated that Gladys Olivares is still on leave.

Oregon

- No update was provided.

Utah

- R. Gallardo (UT) updated that Sonia Sweeney is the new Juvenile Court Administrator, and her appointment as the new ICJ Commissioner is pending.

Washington

- No update was provided.

Wyoming

- No update was provided.

Review Elections Process and Candidates

- Representative Farmer (CA) announced that as part of the general session tomorrow, the Commission will elect officers – Chair, Vice-Chair, and Treasurer. As a reminder, the Commission’s “Nominations and Elections Process” encourages advance nominations of officer candidates, so that everyone has a chance to learn about the candidates prior to and at the Annual Business Meeting. Regions no longer put forth a slate of officer candidates. According to the guidelines:
 - Regions will review the elections process and candidates.
 - Regions will not vote to nominate candidates.
 - Though advance nominations are encouraged, nominations from the floor will be accepted during the General Session.
 - During the General Session, each candidate will address the Commission prior to voting for five (5) minutes or less. This reduces the need for person-to-person campaigning.

- Voting is conducted electronically by anonymous ballot, without the ability to write-in a candidate.
- In order to be elected, a person must have full authority to vote on behalf of his or her state. That means they must be a commissioner or full-time designee who votes instead of the commissioner (not just when the Commissioner is absent).
- The current slate of officers is:
 - Nina Belli, Commissioner from Oregon for Chairperson
 - Julie Hawkins, Commissioner from Missouri for Vice Chairperson, and
 - Sherry Jones, Commissioner from Maryland for Treasurer.

2023 – 2025 Regional Representative Election

- Representative Farmer (CA) announced that the region will elect a Regional Representative. The Regional Representative must be a person with full authority to vote on behalf of his or her state. This person will serve a two-year term, which includes service on the Executive Committee. The Executive Committee meets monthly, typically the 4th Thursday of each month and once in the spring face-to-face. Attendance by the regional representatives is extremely important for regional representation as the Executive Committee acts on behalf of the full Commission throughout the year.
- Representative Farmer (CA) informed that there were two advanced candidate nomination(s) for West Regional Representative.
 - Dale Dodd, Commissioner from New Mexico, and
 - Howard Wykes, Designee from Arizona
- Representative Farmer (CA) asked if there any nominations from the floor for the position of Regional Representative.
- D. Dodd (NM) withdrew his name from consideration.
- H. Wykes (AZ) said that he is excited for the opportunity.
- Representative Farmer (CA) announced that Howard Wykes from Arizona is the new West Regional Representative by acclamation.

Old Business

There was no old business.

New Business

ICJ Rule Proposals

- Representative Farmer (CA) announced that proposals for new rules or amendments are due to the Rules Committee by February 28, 2023.

Requisition Timeframes

- R. Gallardo (UT) said that he would like to discuss a possible amendment around the ninety (90) day requisition process. Specifically, why is this process allowed to take so long? Can it be shortened? He said that judges want to know why juveniles aren't being returned sooner.
- N. Belli (OR) said that she would fill Utah in on the history of the Juvenile Justice Delinquency and Prevention Act (JDDPA) and the ICJ exemption.
- D. Dodd (NM) said that during the reauthorization of the JDDPA, interest groups sought to add a fifteen (15)-calendar day detention timeframe for status offenders being detained in a holding state; however, when the final Act was passed, the

ICJ exemption from the deinstitutionalization of status offenders requirement remained unchanged.

- N. Belli (OR) stated that ICJ needs the grace period to coordinate returns as the process with the courts can take time.
- Representative Farmer (CA) noted that he was involved in a return case that took the full sixty (60) calendar days to hold the hearing.

Rule 8-101: Travel Permits

- D. Bailey (WA) updated that the Rules Committee had been discussing Rule 8-101: Travel Permits and asked the region to report out on any issues. She said that the group discussed issuing travel permits for juveniles who already resided in the Receiving State at the time of disposition. She also asked the region what they do with incoming travel permits.
- S. Foxworth (C) informed the region that she does not send incoming travel permits to local jurisdictions because they don't have time to follow-up on the juvenile's whereabouts.
- D. Bailey (WA) said that some states to call and check on the juvenile.
- D. Dodd (NM) said that New Mexico also does not send travel permits to locals.
- Representative Farmer (CA) told the region that they are used for informational purposes only and that law enforcement officials are most in need of such notification. However, a travel permit is notification only and the Receiving State has no jurisdiction over the juvenile. He also noted that they are useful for sex offender registration requirements.

Recognitions

- N. Belli (OR) thanked Mike Farmer for being the West Regional Representative, Dale Dodd for being the Alternate West Regional Representative, and Summer Foxworth for all her services to the Commission throughout her tenure.

Adjourn

Representative Farmer adjourned the meeting by acclamation without objection at 4:20 p.m. ET.