



## INTERSTATE COMMISSION FOR JUVENILES

### RULES COMMITTEE

January 6, 2016  
2:00 p.m. EST

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

1. Julie Hawkins (MO) Chair
2. Judy Miller (AR) Designee
3. Alicia Ehlers (ID) Designee
4. Rose Ann Bisch (MN) Commissioner
5. Kevin Brown (NJ) Commissioner
6. Lea Quam (ND) Commissioner
7. JoAnn Niksa (RI) Designee
8. Randall Wagner (WV) Designee
9. Gary Hartman (WY) Commissioner
10. Steve Jett (NPJS) Ex-officio
11. Sally Holewa (COSCA) Ex-officio
12. Rick Masters, Legal Counsel

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

1. Dale Dodd (NM) Commissioner
2. Kevin McKenna (RI) Commissioner
3. Mike Lacy (WV) Commissioner

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

None

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

1. Ashley Lippert, Executive Director
  2. Emma Goode, Administrative and Logistics Coordinator
  3. Shawn Robinson, Administrative and Training Coordinator
  4. Jennifer Adkins, Project Manager
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#### **Call to Order**

Chair Hawkins called the meeting to order at 2:01 p.m. EST.

#### **Roll Call**

A. Lippert called the roll and a quorum was established.

#### **Agenda**

**G. Hartman (WY) made a motion to approve the agenda. R. Wagner (WV) seconded. The motion passed.**

## Minutes

**J. Miller (AR) made a motion to approve the November 4, 2015 meeting minutes. A. Ehlers (ID) seconded. The motion passed.**

## Discussion

### Working List for Rule Proposals

- The Rules Committee began reviewing the five comments by the national office to the 2016 ICJ Rules effective February 1, 2016. The first comment is in regards to deferred adjudication and the additional four comments are in regards to the using the term ‘must’ or ‘shall’.

### Rule 1-101: Definitions Deferred Adjudication and Rule 4-101

- R. Bisch (MN) clarified that the comment “incomplete” next to the definition of *deferred adjudication* is in regards to defining the term *non-adjudicated* in the rules and not addressing the category of juveniles in Section 400 Transfer of Supervision. The Rules Committee reviewed the current language in Rule 4-101 (2) (b) and discussed adding: *or is non-adjudicated with terms of supervision*.
- J. Miller (AR) questioned the term *deferred adjudication* versus *non-adjudicated* commenting that deferred adjudication awaits a disposition and non-adjudicated means no adjudication.
- G. Hartman (WY) commented the *deferred adjudicated* juvenile has entered a plea in Court, and the *non-adjudicated* juvenile has not entered a plea to the charge in Court; however, the Court has administered terms and conditions.
- J. Hawkins (MO) shared Missouri’s process of informal supervision without Court involvement.
- R. Bisch (MN) suggested adding the language “*term of supervision applied by the Court*”.
- J. Niksa (RI) shared that Rhode Island youth are supervised by the Family Court without probation involvement; therefore, Rhode Island ICJ knows nothing about those juveniles. J. Niksa (RI) proposed adding the language “*the sending state determines*”.
- K. Brown (NJ) commented that many states look solely at the term “adjudication” rather than the findings of the Court. In New Jersey, the disposition is deferred. The matter is heard by a Judge, there is a finding and conditions imposed. If the juvenile complies with the conditions, there is no adjudication. If the juvenile does not comply, the juvenile is adjudicated.
- A. Ehlers (ID) questioned the applicability of abeyance cases and referenced Advisory Opinion #03-2011. R. Bisch (MN) noted that the rules were amended after the referenced advisory opinion.
- Chair Hawkins referenced the ICJ Statute Article I (A) which included *adjudicated juveniles* and *status offenders*. Rick Masters referenced the ICJ Statute Article II which includes *accused delinquents*, *adjudicated delinquents*, *accused status offenders*, *adjudicated status offenders*, and *non-offender*.
- A. Lippert questioned eliminating Rule 4-101 (2) (b) and retaining only (c). The Rules Committee discussed and agreed it was better to identify the categories of juveniles rather than broaden the terms *Court* and *Appropriate Authority*.
- L. Quam (ND) suggested modifying the forms to include non-adjudicated juvenile criteria such as committing a sex related offense. J. Miller (AR) posed the idea of eliminating the term *non-adjudicated* from the rules.
- Chair Hawkins recommended appointing a sub-committee to review and offer a recommendation at the next Rules Committee meeting. Members serving on the sub-committee are: Alicia Ehlers (ID), Rose Ann Bisch (MN), Joann Niksa (RI), and Lea Quam (ND).

## Old Business

- A. Lippert updated on the Juvenile Justice and Delinquency Prevention Act (JJDP), which originally omitted ICJ's exemption to hold juveniles in secure detention. ICJ and the Coalition for Juvenile Justice (CJJ) proposed language for inclusion in the bill. At the end of 2015, the bill received opposition, amended language was proposed, and the bill was considered by the Senate Judiciary Committee. The ICJ language was not changed; however, additional requirements by the Court were added. The bill did not pass out of the Senate Judiciary Committee, thus ICJ continues to operate under the original OJJDP exemption. R. Masters spoke to the activity around the bill at the end of the year and advised the additional provisions to be consistent within legislation.

## New Business

There was no new business.

## Adjourn

- Chair Hawkins suggested and the Rules Committee agreed to extend the time to 90 minutes for the next meeting on March 2, 2016 at 2 p.m.
- **A. Ehlers (ID) made a motion to adjourn. J. Niksa (RI) seconded. Chair Hawkins adjourned the meeting by acclamation at 3:08 p.m. EST.**