



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

February 8, 2017
2:00 p.m. EST

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. Edwin Lee, Jr. (NJ) Designee
6. Dale Dodd (NM) Commissioner
7. Daryl Liedecke (TX) Commissioner
8. Jessica Eldredge (UT) Designee
9. Michael Lacy (WV) Commissioner
10. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Kevin Brown (NJ) Commissioner
2. Damian Seymour (DE) Ex Officio
3. Steve Jett (NPJS) Ex Officio

Guests in Attendance:

1. Natalie Dalton (VA) Commissioner

ICJ Staff in Attendance:

1. Emma Goode, Administrative and Logistics Coordinator
 2. Jennifer Adkins, Project Manager
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Call to Order

Chair Hawkins called the meeting to order at 2:02 p.m. EST.

Roll Call

The National Office called the roll and a quorum was established.

Agenda

- Chair Hawkins recommended the agenda be amended to accommodate guest, Virginia Commissioner Dalton.
- **J. Eldridge (UT) made a motion to approve the agenda as amended. M. Lacy (WV) seconded. The motion passed.**

Minutes

J. Miller (AR) made a motion to approve the December 7, 2016 meeting minutes. A. Ehlers (ID) seconded. The motion passed.

Discussion

Rule 7-103

- Chair Hawkins welcomed N. Dalton (VA) to discuss a recent Virginia incident concerning Rule 7-103. At the last Executive Committee meeting legal counsel updated on guidance provided to Virginia regarding an interpretation of Rule 7-103 and he recommended that the matter be presented to the Rules Committee.
- N. Dalton (VA) briefed on a Virginia case involving a juvenile arrested for petty theft and was determined to have absconded from a group home in the District of Columbia. A Virginia Court issued a Release Order for the juvenile with pending charges. The Virginia Compact instructed that Virginia's charges would need to be resolved prior to the return. The juvenile's attorney questioned the ICJ's authority to make this decision. The Court determined that the Compact Office's interpretation of Rule 7-103 was not accurate and the juvenile was released to her parents. N. Dalton (VA) requested clarity on who has the authority to determine when the juvenile is available for extradition noting the potential financial impact for both states.
- Chair Hawkins commented that the language in Rule 7-103 as written could be interpreted to leave discretion solely to the holding state. R. Masters added that the Compact cannot tell from court to court how this rule will be interpreted and suggested additional language to provide more discretion to the demanding state as to when the juvenile is available for return.
- Chair Hawkins proposed language for consideration. The Rules Committee discussed and agreed to a rule proposal.
- **A. Ehlers (ID) made the motion to recommend for adoption the proposed amendment to Rule 7-103 to read as follows: *Juveniles shall be returned only after charges in ~~with the consent of the holding/receiving states or after charges~~ are resolved or with the consent of when pending charges exist in the holding/receiving and the demanding/sending states' ICJ offices, which shall determine when the juvenile is available for return.* M. Lacy (WV) seconded the motion. The motion passed.**
- Chair Hawkins commented that the rule amendment once passed at the Annual Business Meeting would not go into effect until 2018. The Rules Committee discussed and agreed to request a legal advisory opinion until such time as an approved rule proposal would become effective.
- **A. Ehlers (ID) made a motion to request that the Executive Committee consider a formal legal advisory opinion to address the issue as discussed above. J. Eldredge (UT) seconded. The motion passed.**

Form Modifications Update

- Chair Hawkins noted that the modifications to Forms I, II, IV, and VII approved by the Technology Committee are out for review by the Rules and Executive Committees for the 30-day comment period.

Standardizing Intrastate Relocations Update

- Chair Hawkins updated on the discussion deferred from the last meeting regarding standardizing intrastate relocations. To date three of the four regions have met and discussed how states handle intrastate relocations noting the minimum requirement in Rule 5-101(4).
- J. Eldredge (UT) updated from the West Region that typically there is a request for a new home evaluation when the family dynamics and home address change. If the juvenile relocates with the approved family, then the receiving state's internal protocol is followed and the quarterly progress report updated.

- Chair Hawkins reported on the Midwest Region's discussion provided by Representative Belli. One state in the Midwest supported a new rule and three states were in support of a best practice. The others states typically follow the protocol similar to the West Region.
- E. Lee (NJ) updated that the East Region typically follows the protocol of the receiving state.
- The Rules Committee discussed proposing a rule versus a best practice. J. Adkins explained the current workflow in place and that the best practice posted on the Commission's website provides guidance for entering the information in JIDS according to the current rules.
- Any additional workflow changes would be rules based and go through the Technology Committee.
- The general consensus of the Rules Committee is that when the juvenile relocates within the receiving state with a new family that a home evaluation should be completed and the Form IV updated; however, currently this is not a requirement in the rules. There was not enough support for a rule proposal and therefore a best practice was suggested.
- **D. Dodd (NM) made a motion to issue a Best Practice for Standardizing Intrastate Relocations. J. Eldredge (UT) seconded. The motion passed.**
- The National Office will draft something for the Rule Committee to review at the next meeting.

Proposed Amendment Rule 1-101: Definitions: Runaways

- R. Masters updated he will present a proposal at the next meeting after reviewing the proposal with M. Farmer (CA). The item was deferred to the next meeting.

Proposed Amendment from the Midwest Region

- Chair Hawkins presented the Midwest Region's proposed amendment to Rule 4-101 in paragraph 2, sub-item *d. is not in absconder/AWOL status at the time transfer of supervision is being considered; and*
- J. Eldredge (UT) shared a couple of recent absconder cases that would have been in conflict of such a proposal and referenced Rule 5-104(2) for flexibility in that the sending state has 90 days to transfer. The Rules Committee discussed and agreed with Utah.
- **D. Dodd (NM) made a motion not to recommend the proposed amendment to Rule 4-101 as submitted by the Midwest Region. J. Miller (AR) seconded. The motion passed.**

Old Business

Training Suggestions – Rule 6-103 and 6-103(A) judicial denials

- Chair Hawkins briefed that M. Farmer requested clarification on Rule 6-103 and 6-103(A) when a judge can deny a requisition at the last meeting. The Rules Committee referred the issue to the Training Committee. The Training Committee requested further clarification on the training being recommended.
- D. Dodd (NM) shared that the issue has been with judges making decisions that conflict with the rules which would require states filing a complaint.
- The Rules Committee discussed and agreed that the rules were clear as written and no further action was taken.

June 13 Face to Face Meeting Location

- Chair Hawkins announced the Rules Committee Face-to-Face meeting will be June 13, 2016.
- The Rules Committee requested that the meeting be held in Louisville, Kentucky preferably at The Brown Hotel.

New Business

There was no new business.

Adjourn

- The next meeting is March 8, 2017 @ 2 p.m. EST.
- **Chair Hawkins adjourned the meeting without objection at 3:12 p.m. EST.**