



## INTERSTATE COMMISSION FOR JUVENILES

### RULES COMMITTEE

March 8, 2017

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. Jeff Cowger (KS) Commissioner
5. Edwin Lee, Jr. (NJ) Designee
6. Dale Dodd (NM) Commissioner
7. Daryl Liedecke (TX) Commissioner
8. Michael Lacy (WV) Commissioner
9. Rick Masters, Legal Counsel
10. Steve Jett (NPJS) Ex Officio

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

1. Kevin Brown (NJ) Commissioner
2. Jessica Eldredge (UT) Designee

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

1. Gloria Soja (OR)

#### **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**

**M. Lacy (WV) made a motion to approve the agenda. E. Lee, Jr. (NJ) seconded. The motion passed.**

#### **Minutes**

**J. Miller (AR) made a motion to approve the February 8, 2017 meeting minutes as amended. M. Lacy (WV) seconded. The motion passed.**

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## Discussion

### Rule 1-101 Definitions: Runaways

- Chair Hawkins updated that amending the definition of runaways was proposed at the December meeting. The proposal was suggested after Mike Farmer shared a difficult case to petition the Court to return a runaway whereby the authority of ICJ was questioned.
- R. Masters updated that amending the language to the definition of Runaways will be discussed at the Executive Committee Face-to-Face meeting and to defer discussion to the next Rules Committee meeting.

### East Region Rule Proposals (1-101, 4-103, and 8-101)

Chair Hawkins presented three rule proposals from the East Region regarding the requirement for reporting instructions when juveniles travel for the purpose of testing a proposed residence.

### Rule 8-101 Travel Permits

- E. Lee, Jr. (NY) explained the East Region's intent in the spirit of the Compact is to provide reporting instructions to ensure contact with the juvenile and to communicate with the family in the receiving state during the gap of time awaiting supervision approval.
- M. Lacy (WV) summarized that the proposal requires reporting instructions to be provided to a probation or parole officer for all travel permits being used to test a proposed residence prior to an investigation or approval of the residence.
- Chair Hawkins noted that often times a travel permit is used for testing residence for youth that do not become part of the Compact. The change would put liability on the receiving state before supervision is accepted. Historically, the liability remains with the sending state until accepted by the receiving state. Currently, states have the discretion to request juveniles to report prior to acceptance of supervision.
- J. Miller (AR) questioned providing supervision in the receiving state without the information packet.
- Chair Hawkins affirmed that the three rule proposals will move forward and requested a vote on each proposal for a recommendation from the Rules Committee.
- **J. Miller (AR) made the motion not to recommend for adoption the proposed amendment to Rule 8-101 Travel Permits by the East Region. M. Lacy (WV) seconded. The motion passed by an 8-0-0 vote.**

### Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

- J. Miller (AR) expressed concern to the proposed deletion of "*shall*" in paragraph 3(b) and "*in any*" in paragraph 3(c).
- The Rules Committee discussed the proposed amendment without reaching a consensus.
- R. Masters advised that the Rules Committee could take no position on the matter.
- The Rules Committee agreed not to take a position either for or against recommending the proposal for adoption.

### Rule 1-101 new definition Reporting Instructions

- J. Miller (AR) questioned the word *orders* in the definition and the intent of *specified date and time*. A. Ehlers (ID) suggested that the definition would not be necessary if the other two rule proposals did not pass. J. Cowger (KS) cautioned to defining commonly understood terms and the Rules Committee concurred.

- **J. Cowger (KS) made the motion not to recommend for adoption the proposed amendment to Rule 1-101: Definitions *Reporting Instructions*. M. Lacy (WV) seconded. The motion passed by an 8-0-0 vote.**

## Old Business

### Standardizing Intrastate Relocations Update

- Chair Hawkins presented a training bulletin regarding standardizing intrastate relocations drafted by the national office. At the request of Chair Hawkins, E. Goode explained that Ashley Lippert advised that the topic is rules based and should be addressed in a training bulletin. J. Miller (AR) stated that there is no standardization of intrastate relocations in the rules and therefore the topic would qualify for a best practice.
- The Rules Committee discussed and agreed there should be more consistency in how states handle intrastate relocations and to forward the recommendation for a best practice to the Training Committee.

## New Business

### Best Practice/Form IA/VI/Legal Opinion 2-2015

- Chair Hawkins presented an alert to the Rules Committee from Oregon regarding conflicting information. G. Soja (OR) briefed that the best practice on the Form IA/VI reads that *the Receiving State should not postpone processing a juvenile's referral packet pending the missing signatures*. The legal opinion 2-2015 reads that the forms must be complete prior to processing. Some states are referring to the legal opinion and refusing to look at packets until the Form IA/VI is complete.
- A. Ehlers (ID) commented on a recent conflict in the bench book. The Rules Committee mentioned a review of the bench book, best practices, and legal opinions for conflicts.
- Chair Hawkins noted that a 2017 amendment to Rule 4-102 proposes that the receiving state is responsible for assisting with obtaining signatures when the juvenile is already in the receiving state.
- The Rules Committee discussed and recommended that the Training Committee rescind or modify the best practice to address the conflict.

### Rule 6-103

- Chair Hawkins presented proposed language to Rule 6-103 from a Tennessee request that the Rules Committee consider allowing either the home (ICJ Office) or the holding state (ICJ Office) to make a determination whether the juveniles are a danger to themselves. If so, the juvenile would be held securely in a detention facility. J. Miller (AR) commented on the difficulty to hold a non-delinquent juvenile in a secure facility. E. Lee, Jr. (NJ) spoke to the difficulty for states to enforce such a proposal. The Rules Committee considered the request for requisitioned and non-requisitioned juveniles and agreed that due to the national interest regarding the Juvenile Justice Delinquency Prevention Act against detaining non-delinquent juveniles in secure facilities, not to propose an amendment.
- **J. Miller (AR) made a motion not to support a proposal to Rule 6-103 regarding the detainment of juveniles. E. Lee, Jr. (NJ) seconded. The motion passed by an 8-0-0 vote.**

## Adjourn

- The next meeting is April 5, 2017 @ 2 p.m. EDT.
- **Chair Hawkins adjourned the meeting without objection at 2:56 p.m. EST.**