



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

May 4, 2016
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. Rose Ann Bisch (MN) Commissioner
5. Edwin Lee, Jr (NJ) Designee
6. Dale Dodd (NM) Commissioner
7. Lea Quam (ND) Commissioner
8. Mike Lacy (WV) Commissioner
9. Steve Jett (NPJS) Ex-officio
10. Sally Holewa (COSCA) Ex-officio
11. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Kevin Brown (NJ) Commissioner
2. Kevin McKenna (RI) Commissioner
3. Gary Hartman (WY) 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 2:02 p.m. EDT.

Roll Call

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

Agenda

M. Lacy (WV) made a motion to approve the agenda. D. Dodd (NM) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the March 2, 2016 meeting minutes. A. Ehlers (ID) seconded. The motion passed.

Discussion

Records Request Sub-Committee Update

- Chair Hawkins acknowledged the work of the sub-committee regarding records requests and presented the sub-committee's recommendation for new rule #2-106: Request for Juvenile Information. The new rule proposes that limited basic information be shared between ICJ offices at the discretion of the Compact offices. The Rules Committee discussed and concurred with the language as presented.
- **D. Dodd (NM) made a motion to approve the new rule proposal #2-106: Request for Juvenile Information as presented and recommend for adoption. J. Miller (AR) seconded. The motion passed by an 8-0-0 vote.**
- J. Miller (AR) commented that states receive the requests on a daily basis and suggested the rule proposal be brought forth at the 2016 Annual Business Meeting rather than waiting until 2017. R. Masters advised that the new rule proposal does not address an imminent threat to public health, safety, or grant funding opportunity and therefore does not qualify as an emergency. According to the Robert's Rules of Order, the Commission may suspend the rule making procedure by a 2/3 vote to allow a rule proposal to go before the full Commission. The Robert's Rules of Order are the default procedures applied when there are no other procedures governing. A suspension of the rules would void the 30 day rule posting and vetting period prior to vote. He advised to request the Executive Committee to consider the suggestion.
- **J. Miller (AR) made a motion that the Executive Committee considers suspending the rule making procedure at the 2016 Annual Business Meeting to allow the proposed new rule #2-106: Request for Juvenile Information to go before the full Commission for vote. D. Dodd (NM) seconded. R. Bisch (MN), L. Quam (ND), and M. Lacy (WV) opposed. The motion passed by a 5-3-0 vote.**

Forms Review – Form III and Form VII

- Chair Hawkins presented the Form III Consent for Voluntary Return and the Form VII Travel Permit with the proposed modifications by the Technology Committee depicted in red. The recommended form modifications are out for review until May 12 by the Rules and Executive Committee. Technology Committee Chair Quam highlighted the proposed enhancements and the Rules Committee concurred.

Working List for Rule Proposals

Pre-Adjudicated Home Evaluations – South Region

- Chair Hawkins presented language proposed by the South Region in a 2015 rule proposal regarding home evaluations for non-adjudicated juveniles. The South Region requested the Rules Committee to revisit the proposal for 2017.
- The Rules Committee discussed home evaluations for pre-adjudicated juveniles to be outside the scope of ICJ and that a few states provide the home evaluation on pre-adjudicated juveniles as a courtesy.
- L. Quam (ND) noted that the rule proposal appears to address placement. ICJ amended several rules in 2015 to clarify ICJ's scope of work to be supervision rather than placement. D. Dodd (NM) commented that judges have requested a home study before approving a location. The Rules Committee discussed the advantages of an advance visit; however, ICJ cannot accept or deny a case for supervision for a non-adjudicated juvenile. Consequently, the information cannot be properly entered into JIDS until the juvenile is adjudicated.
- A. Lippert observed that the proposed rule states that the request *may* be performed. Without a rule stating *shall* or *must* nothing would be done differently than it is today. Chair Hawkins

asked if an advisory opinion would be the better choice. J. Miller (AR) supported having something in writing to assure states that providing a courtesy home evaluation is allowed. Sally Holewa (COSCA) supported an advisory opinion as documented evidence of the right to conduct the home evaluation. The Rules Committee reached a consensus not to recommend a rule proposal and to request an advisory opinion.

- **A. Ehlers (ID) made a motion to request a legal opinion addressing items being conducted as a courtesy that are not addressed in the rules. The motion was withdrawn.**
- **J. Miller (AR) made a motion to request a legal advisory opinion regarding a state's ability to complete home evaluations for pre-adjudicated cases. A. Ehlers (ID) seconded. The motion passed by an 8-0-0 vote.**

Rule 7-101: Financial Responsibility

- D. Dodd (NM) previously proposed an emergency rule to have language added to the ICJ Rules to clarify that local transportation costs are not reimbursed. Chair Hawkins updated that the Executive Committee discussed the issue at the face to face meeting where Rick Masters advised that the issue does not pose an imminent threat to public health, safety, or welfare and therefore would not qualify as an emergency proposal. D. Dodd (NM) anticipates the issue will gain national support as the ICJ rules are silent on the matter.
- The Rules Committee supported adding language to the rules to address Dale's issue and to include in the 2017 proposals.
- **A. Ehlers (ID) made a motion to amend Rule 7-101: Financial Responsibility to add *or transporting* in paragraph 2 and recommend for adoption. M. Lacy (WV) seconded. The motion passed by an 8-0-0 vote.**
- R. Bisch (MN) questioned forwarding the proposed Rule 7-101 amendment to the Executive Committee for consideration with the proposed new Rule 2-106. R. Masters advised the proposal could be included or Commissioner Dodd could make a motion for suspension of the rules on the floor. D. Dodd (NM) opted to defer the request at this time.

Rule 7-104: Warrants

- R. Bisch (MN) suggested amending the language in Rule 7-104 to bring clarity to the rule. The Rules Committee discussed and agreed.
- **M. Lacy (WV) made a motion to amend Rule 7-104: Warrants paragraph 1 to delete *nationwide pickup radius with* and to insert *with no geographical limitation and*; to delete *under ICJ jurisdiction* and insert *subject to the Compact*; paragraph 2 to delete *within* and insert *shall, no later than*. D. Dodd (NM) seconded. The motion passed by an 8-0-0 vote.**

Rule 8-101: Travel Permits

- R. Bisch (MN) suggested clarifying the language in Rule 8-101(2) regarding juveniles traveling to residential facilities. The Rules Committee discussed and agreed to propose an amendment.
- **A. Ehlers (ID) made a motion to delete *placed in* and insert *traveling to a*; change facilities to singular and insert *for placement* in Rule 8-101(2). R. Bisch (MN) seconded. The motion passed by an 8-0-0 vote.**
- R. Bisch (MN) questioned the necessity of the language in Rule 8-101, paragraph 1(b) (iii) "*for the purposes of visitation*". The Rules Committee discussed and agreed removing the language would cause unintended consequences in other areas and therefore should remain as written.
- M. Lacy (WV) questioned the term "state committed" in paragraph 1(b). The Rules Committee discussed and agreed that although the term carries different meanings internally within states as defined in the ICJ Rules the definition is correct as it applies to the Compact.
- R. Bisch (MN) suggested Rule 8-101(1)(a) be amended to clarify the intent of ICJ to require travel permits for juveniles who have been adjudicated for the listed offenses. Confusion with

the rules as written is whether or not the intent is to limit to active cases or include the broader category of non-offenders in the ICJ Statute. D. Dodd (NM) questioned who would complete a travel permit for a juvenile not actively under supervision. The Rules Committee discussed and agreed the intent to be for active cases only.

- **R. Bisch (MN) made a motion to insert *and are on supervision* in Rule 8-101, paragraph 1(a). J. Miller (AR) seconded. The motion passed by an 8-0-0 vote.**
- L. Quam (ND) suggested amending Rule 8-101(1) (a) (b) to clarify whether a youth has to meet one or both of the listed criteria in paragraphs (a) and (b) for a travel permit to be required. The Rules Committee discussed and agreed the intent is to require a travel permit for juveniles who meet any of the listed criteria in either paragraph (a) or (b).
- **L. Quam (ND) made a motion to amend Rule 8-101(1) to insert “or” between paragraphs (a) and (b). R. Bisch (MN) seconded. The motion passed by an 8-0-0 vote.**
- The Rules Committee directed the National Office to construct the proposal to be grammatically correct to reflect the intent as discussed.

Old Business

There was no old business.

New Business

- M. Lacy (WV) requested the Rules Committee add a review of the emergency rule language in Rule 2-102(10) to the working list.

Adjourn

- **J. Miller (AR) made a motion to adjourn. M. Lacy (WV) seconded. Chair Hawkins adjourned the meeting by acclamation at 3:40 p.m. EDT.**