



## INTERSTATE COMMISSION FOR JUVENILES

### RULES COMMITTEE

July 13, 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. Dale Dodd (NM) Commissioner
6. Mike Lacy (WV) Commissioner
7. Gary Hartman (WY) Commissioner
8. Steve Jett (NPJS) Ex Officio
9. Sally Holewa (COSCA) Ex Officio
10. Rick Masters, Legal Counsel

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

1. Kevin Brown (NJ) Commissioner
2. Kevin McKenna (RI) 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 May 4, 2016 meeting minutes. A. Ehlers (ID) seconded. The motion passed.**

## Discussion

### Working List for Rule Proposals

#### Rule 7-104(3)

- R. Bisch (MN) explained that the language in Rule 7-104 (3) is misleading and contradictory to Rules 6-102 and 6-103. Rule 7-104(3) states: *within 2 business days of notification the home/demanding/sending state shall inform the holding state whether the home/demanding/sending state intends to have the juvenile returned.* The language implies that the holding state has the option not to return a juvenile even though the sending state issued a warrant. Rule 6-102 states that juveniles shall be held until they are returned by the home/demanding state. Rule 6-103(11) states that if the legal guardian or the custodial agency does not initiate the return, the appropriate authority will initiate the return.
- D. Dodd (NM) commented that the intent is to inform the holding state within two days. Warrants are often issued; juveniles are entered into NCIC, and then states fail to honor the warrant. Chair Hawkins noted the situation depends upon whether or not it is a delinquency or runaway.
- The Rules Committee shared multiple case scenarios and agreed the intent is not to allow the juvenile to remain in the holding state. The Rules Committee proposed and agreed to amended language in Rule 7-104 as follows which would be consistent with Sections 600 and 400.  
“Within two (2) business days of notification, the home/demanding/ sending state shall inform the holding state whether the home/demanding/sending state intends to withdraw the warrant have the juvenile returned. Withdrawal of the warrant does not negate the home/demanding/sending state’s responsibility to return the juvenile under other applicable rules.”
- **R. Bisch (MN) made a motion to amend Rule 7-104: Warrants paragraph 3 as agreed above. M. Lacy (WV) seconded. The motion passed by a 7-0-0 vote.**
- A. Ehlers (ID) expressed concern to the proposed amended language “subject to the Compact” in paragraph 1 and will defer concerns to comments during the posting period in 2017.

#### Rule 2-103(10)

- M. Lacy (WV) questioned the 90 day time frame in language Rule 2-103 (10). R. Masters clarified the time frame refers to the time to properly vet an emergency rule and that the Commission could vote either telephonically or at the annual meeting. M. Lacy (WV) acknowledged the clarification and had nothing further.

#### Travel Plan Form - Midwest Region

- Chair Hawkins presented a request from the Midwest Region to include the Travel Plan Form in the ICJ Rules. The Rules Committee discussed and rejected the request. Adding a specific travel plan form would result in future rule amendments each time the form changed. Chair Hawkins also noted that when air travel is not used or Border States are involved, states use the Form III. Requiring the travel form would increase workload.
- **R. Bisch (MN) made a motion to reject the request to make the travel plan form a part of the ICJ Rules. D. Dodd (NM) seconded. The motion passed.**

#### Rule 4-104(6) and Rule 5-103(4)

- A. Ehlers (ID) suggested the language regarding the “return within 5 business days” needs to be clear and consistent throughout the rules. R. Bisch (MN) concurred noting the issue was also voiced during the 2015 ABM training session.

- The Rules Committee discussed the current language in Rules 4-104, 5-103, 6-102, and 7-101 regarding the return within five business days.
- The language in Rule 6-102 was proposed for Rules 4-104 and 5-103. The Rules Committee discussed and agreed to propose an amendment to Rule 4-104(6) as follows:  
If the transfer of supervision in the receiving state is denied, the sending state shall ~~make transportation arrangements for the return of it's~~ the juvenile within five (5) business days. This time period may be extended up to an additional 5 business days with approval from both ICJ offices.
- **A. Ehlers (ID) made a motion to amend Rule 4-104(6) as agreed above; and to duplicate the language in a proposal for Rule 5-103(4). J. Miller (AR) seconded. The motion passed by a 7-0-0 vote.**
- Discussion of the language in Rule 7-101 was deferred to a future meeting.

### Rule 5-103(2)

- Chair Hawkins suggested clarifying the language in Rule 5-103(2) regarding responses to violation reports.
- The Rules Committee discussed and agreed to the language amended below:  
The sending state shall respond to a violation report in which a revocation or discharge is recommended ~~of a violation made~~ by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
- **A. Ehlers (ID) made a motion to approve the proposed the language as amended above in Rule 5-103(2). M. Lacy (WV) seconded. The motion passed by a 7-0-0 vote.**

### Old Business

- Chair Hawkins updated that the Executive Committee rejected the recommendation to suspend the Robert's Rules of Order during the 2016 Annual Business Meeting to vote on the proposed new Rule 2-106: Request for Juvenile Information as the proposal does not constitute an emergency.

### New Business

- Chair Hawkins updated that the National Office received a request from Oklahoma Commissioner Steven Buck on behalf of the Oklahoma State Council petitioning ICJ for the promulgation of a rule addressing procedures for the return of a non-delinquent runaway when the demanding state has been unwilling or unable to produce a requisition at the end of the 60-day waiting period. The request stemmed from a recent runaway case wherein another state was non-compliant with Rule 6-103(11). Executive Director Lippert discussed the request with Commission Chair Marchand, Rules Chair Hawkins, and Legal Counsel and responded with a letter referencing Rule 2-103 and Section 900.
- R. Bisch (MN) commented that the non-compliance matrix would be more aligned to the request than drafting a rule. R. Master advised against adding specific procedures into the rules. The Rules Committee agreed that the current ICJ Rules address disputes and recourse and an additional rule would not be necessary. J. Miller (AR) requested a copy of the response letter.
- **M. Lacy (WV) made a motion to refrain from addressing procedures in the ICJ Rules as requested by the Oklahoma State Council. D. Dodd (NM) seconded. The motion passed by a 7-0-0 vote.**

### Adjourn

- **Chair Hawkins adjourned the meeting without objection 3:22 p.m. EDT.**