



INTERSTATE COMMISSION FOR JUVENILES

RULES COMMITTEE

October 5, 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. Jeff Cowger (KS) Commissioner
5. Edwin Lee, Jr. (NY) Designee
6. Dale Dodd (NM) Commissioner
7. Daryl Liedecke (TX) Commissioner
8. Jessica Eldredge (UT) Designee
9. Randall Wagner (WV) Designee
10. Damian Seymour (DE) Ex Officio
11. Steve Jett (NPJS) Ex Officio
12. Rick Masters, Legal Counsel

Committee Members Not in Attendance:

1. Kevin Brown (NJ) Commissioner
2. Michael 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. EDT.

Roll Call

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

Agenda

D. Dodd (NM) made a motion to approve the agenda. A. Ehlers (ID) seconded. The motion passed.

Minutes

J. Miller (AR) made a motion to approve the July 13, 2016 meeting minutes. R. Wagner (WV) seconded. The motion passed.

Discussion

Five (5) business days for returns

- Chair Hawkins updated that at the last meeting the Rules Committee agreed to defer the discussion on the consistency of the language throughout the rules regarding the extension of five business days with the approval of both ICJ offices.
- The Rules Committee discussed applicable rules and reached a consensus on each of the following rules:

Rule 4-104

- The proposed amendment to Rule 4-104, paragraph 6, approved on July 13, 2016, is the five business day language intended throughout the rules for consistency.

Rule 5-103

- The proposed language approved at the July 13, 2016 meeting to Rule 5-103 at the end of paragraph 4: *This time period may be extended up to an additional five (5) business days* was revisited for better placement within the rule.
- D. Seymour (DE) suggested striking *up to* in the proposed phrase. J. Eldredge (UT) questioned the impact to the workflow in JIDS with the additional five days. Steve Jett commented to the additional cost to the state holding juveniles in detention for the additional five business days. A. Lippert clarified that the additional five business days upon approval by both ICJ Compact offices was previously agreed to; the task is amending all the applicable rules. The impact to the JIDS workflow will be verified and reported at the next meeting.
- The Rules Committee discussed and agreed to modify the proposed language and amend paragraphs 4(b) and 3(d). Further, the committee agreed it was not necessary to modify paragraph 4 or 4(a) as the referenced rules include the language regarding the five (5) business days.
- **J. Cowger (KS) made a motion to insert *up to an additional five (5) business days after “extended”* in Rule 5-103, paragraphs 3(d) and 4(b). J. Eldredge (UT) seconded. The motion passed by a 9-0-0 vote.**

Rule 6-103

- The language in Rule 6-103, paragraph 9, regarding five business days is correct as it exists and needs no further action.

Rule 6-103A

- The language in Rule 6-103A, paragraph 9, regarding five business days should be amended to be consistent with Rule 6-103.
- **R. Wagner (WV) made a motion to insert *up to an additional five (5) business days after “extended”* in Rule 6-103A, paragraph 9. J. Miller (AR) seconded. The motion passed by a 9-0-0 vote.**

Rule 7-101

- The language in Rule 7-101, paragraph 1, regarding five business days should be amended to be consistent with the previous rules.
- **J. Eldredge (UT) made a motion to insert *may be extended up to an additional five (5) business days after “days”* in Rule 7-101, paragraph 1. A. Ehlers (ID) seconded. The motion passed by a 9-0-0 vote.**

- Chair Hawkins requested that the National Office review the full rules document for any additional locations whereby the five business days' language should be amended for consistency with the proposals above.
- The National Office will report at the next meeting.

Rule 7-104: Warrants

- The Rules Committee reviewed the proposed amendment to Rule 7-104: Warrants approved July 13, 2016. D. Seymour (DE) questioned the intent of the proposed language “*with no geographical limitation*”. Idaho and New Mexico shared issues that can arise when picking up and returning a juvenile by limiting the ground travel to a set number of miles. Chair Hawkins described state warrants noting that ICJ becomes involved when a nationwide warrant is issued. No further action was taken.

Rule 4-102 - Advisory Opinion #02-2015 – Form IA/VI

Rule 4-102

- J. Miller (AR) questioned what constitutes completion of the Form IA/VI. According to the Advisory Opinion #02-2015, the form is complete when the Judge and Compact Official sign the form; however, the opinion does not address the juvenile's signature. According to a 2012 ICJ Best Practice, the sending and receiving states may obtain signatures along the way.
- Chair Hawkins agreed there is confusion as to whether or not states could use the opinion to reject a referral because the Form IA/VI lacked the juvenile's signature. Chair Hawkins proposed amending Rule 4-102 to add an exception to the rule. R. Masters agreed to the suggestion of proposing an exception in the rules.
- The Rules Committee discussed and agreed to propose language in paragraph 3 of Rule 4-102 for clarity regarding the juvenile's signature. Chair Hawkins noted the amendment would not impact the requirement for the Judge and ICJ Compact official signatures.
- **R. Wagner (WV) made a motion to amend Rule 4-102, paragraph (3) to insert the following: *Additionally, if the juvenile is already residing in the receiving state, the receiving state will obtain the juvenile's signature on the Form IA/VI Application for Services and Waiver.* J. Miller (AR) seconded. The motion passed by a 9-0-0 vote.**
- J. Miller (AR) noted the impact of the proposal to the Best Practice. A. Lippert clarified that once the rule passes, the Training Committee would look at the Best Practice. R. Masters advised that the amended rules supersede advisory opinions.

Form IA/VI

- A. Ehlers (ID) questioned the length of time the Form IA/VI to be valid for an absconder violation. The Rules Committee noted that some consider the form to be valid until the maximum discharge date and others consider the form invalid once the case closes requiring a Form III to return.
- Chair Hawkins commented on the Form IA/VI reference and current language that *no further court procedures will be required for the juvenile's return* in Rule 5-103(3) (b) which is a rule specific to active cases.
- R. Masters commented that the rules do not have to be redundant as sometimes it can create more confusion putting the language in two locations in the rules; and agreed that if a case is closed, the Form IA/VI would no longer apply.
- A. Ehlers (ID) commented to the ease of using the Form IA/VI to return a failed placement; however, expressed concern to due process. Chair Hawkins noted often times Missouri judges view the Form IA/VI to be inadequate to address due process and therefore do not accept. A. Lippert shared that other states also do not accept the Form IA/VI and require the Form III.

Additionally, she shared expressed concerns by the past Rules Chair (Rose Ann Bisch) as to the purpose of the Form IA/VI when signatures are difficult to acquire the courts reject the document for due process.

- R. Masters advised that the Form IA/VI would terminate once the case is closed; except when there is an argument that the case was improperly closed. ICJ has studiously avoided developing a Due Process Rule leaving each state to handle due process at their discretion.
- Chair Hawkins deferred discussion of the Form IA/VI and the return process to the next meeting and requested that the National Office search and list the rules that cite the Form IA/VI with regard to the return process.

Old Business

- Chair Hawkins updated that the advisory opinion requested by the Rules Committee on pre-adjudicated juveniles was approved. Advisory Opinion #01-2016 was included in the ICJ 2016 ABM Docket Book and is posted on the Commission's website. R. Masters summarized the opinion citing that states may request a home evaluation for pre-adjudicated juveniles and the determination to provide the home evaluation is left to the discretion of the receiving state.

New Business

- Chair Hawkins presented a proposed calendar of monthly teleconference meetings and other deadlines leading up to the 2017 Annual Business Meeting. The Rules Committee agreed to meet monthly via WebEx for 90 minutes and to meet once face to face in June to review the proposal comments and finalize the proposed rule amendments for vote at the 2017 ABM.
- **A. Ehlers (ID) made a motion to approve the calendar as presented. J. Eldredge (UT) seconded. The motion passed.**

Adjourn

- **Chair Hawkins adjourned the meeting without objection 3:33 p.m. EDT.**