



## INTERSTATE COMMISSION FOR JUVENILES

### RULES COMMITTEE

November 4, 2015  
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. Kevin Brown (NJ) Commissioner
6. Dale Dodd (NM) Commissioner
7. Lea Quam (ND) Commissioner
8. JoAnn Niksa (RI) Designee
9. Mike Lacy (WV) Commissioner
10. Gary Hartman (WY) Commissioner
11. Steve Jett (NPJS) Ex-officio

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

1. Kevin McKenna (RI) Commissioner
2. Sally Holewa (COSCA) Ex-officio
3. Rick Masters, Legal Counsel

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

None

#### **ICJ Staff in Attendance:**

1. Ashley Lippert, Executive Director
  2. Emma Goode, Administrative and Logistics Coordinator
  3. Jennifer Adkins, Project Manager
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#### **Call to Order**

Chair Hawkins called the meeting to order at 2:03 p.m. EST. Chair Hawkins welcomed the new and returning members and complimented the work of the past Rules Committee chaired by Rose Ann Bisch.

#### **Roll Call**

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

#### **Agenda**

**M. Lacy (WV) made a motion to approve the agenda. G. Hartman (WY) seconded. The motion passed.**

## Minutes

**J. Miller (AR) made a motion to approve the July 8, 2015 meeting minutes. L. Quam (ND) seconded. The motion passed.**

## Discussion

### Forms 30-day Review

- Chair Hawkins presented the forms currently out for review by the Rules and Executive Committees. Technology Committee Chair Quam highlighted the forms and JIDS workflow modifications approved by the Technology Committee. The forms were color coded for clarity with blue boxes indicating the current required fields that will be unlocked and the red text indicating the language changes as a result of the 2015 Rule Amendments (effective February 1, 2016).
- The Rules Committee discussed the modifications to each of the following without objection:
  - Form I – Requisition for Runaway Juvenile
  - Form III – Consent for Voluntary Return of Out of State Juvenile
  - Form IV – Parole or Probation Investigation Request
  - Form VII – Out of State Travel Permit and Agreement to Return
  - Form VIII – Home Evaluation Report Form
  - Form IX – Quarterly Progress, Violation, or Absconder Report
  - Form X – Case Closure Notification
  - Form A – Petition for Requisition to Return a Runaway Juvenile
  - Petition for Hearing on Requisition for Escapee, Absconder, or Accused Delinquent
  - Petition for Hearing on Requisition for Runaway Juvenile
  - Three workflow modifications that replace *placement* with *supervision* or *residence*: Request for Transfer of Supervision; Return for Failed Placement; and Travel Permit
- Chair Hawkins clarified that form modifications would only be reviewed during a meeting when the Rules Committee meeting coincides with the 30-day review; otherwise, members will respond independently.
- J. Miller (AR) questioned the effective date for the form modifications. A. Lippert clarified the new forms would be available in JIDS February 1, 2016 in conjunction with the new rule amendments. The National Office will notify the Commission and the modified forms will be available on the Commission’s website by the end of January.

### Meetings Calendar

- Chair Hawkins proposed that the Rules Committee conduct one hour meetings bi-monthly during this non-rule making year and proposed the following calendar of meetings for 2016: January 6, March 2, June 2, October 5, and December 7. Additional meetings could be added if necessary.
- **M. Lacy (WV) made a motion to adopt the proposed calendar. J. Miller (AR) seconded. The motion passed.**

### 2016 ICJ Rules and Existing Assignments

- Chair Hawkins presented the goal for the meeting to review current assignments and identify new assignments.
- Chair Hawkins presented the 2016 ICJ Rules effective February 1, 2016. The National Office identified two terms used in the rules that needed amending: *must* versus *shall* and *youth* versus *juvenile*.

- The Rules Committee concurred that the terms *must* and *shall* could not be changed as an editorial correction, as that would change the intent of the rule; therefore, the committee agreed to defer the discussion for a thorough review of each instance.
- The Rules Committee agreed that the consensus of the Commission was to consistently use the term *juvenile* throughout the rules and agreed to authorize the National Office to update the ICJ 2016 Rules by replacing *youth* with *juvenile* in all instances as presented.
- **M. Lacy (WV) made a motion to approve replacing the term *youth* with *juvenile* in the ICJ Rules effective February 1, 2016. J. Niksa (RI) seconded. The motion passed.**

#### *OJJDP exemption*

- A. Lippert updated on the Juvenile Justice and Delinquency Prevention Act (JJDP), which originally omitted ICJ's exemption to hold juveniles in secure detention. ICJ and the Coalition for Juvenile Justice (CJJ) proposed language for inclusion in the bill. A. Lippert presented the final language submitted for inclusion and updated that the bill continues to move through Congress.
- J. Niksa (RI) questioned updating the bench book. A. Lippert clarified whenever the ICJ Rules change, the bench book is updated accordingly.
- R. Bisch (MN) questioned and A. Lippert affirmed the language applies to secure detention.
- A. Ehlers (ID) questioned the location of the language in the bill. A. Lippert reported the amended language to be inserted at page 36 of the bill. The Commission will be notified and the Rules Committee will discuss the impact to the ICJ Rules upon passage of the final bill.

#### *Records request and pre-adjudicated home evaluation request*

- Chair Hawkins updated that the Rules Committee will reconsider addressing in the rules the matters of records requests and pre-adjudicated home evaluations.
- A. Ehlers (ID) spoke in favor of the rules addressing both issues. Idaho considers ICJ an indirect part of law enforcement and the two actions support mechanisms to law enforcement.
- R. Bisch (MN) recommended that any rule proposals allow rather than mandate states to perform these actions noting that some ICJ Offices have limited access to records.

#### *Probable cause hearing rule*

- Chair Hawkins noted that Legal Counsel has expressed the importance of implementing a probable cause hearing rule and the Commission has voted it down twice. A. Lippert reported sixteen votes in favor of the rule proposed during the 2015 ABM.
- R. Niksa (RI) was open to modifying the rule proposal making it more palatable and taking back ideas to the East Region who strongly opposed the proposed new rule in 2016. R. Bisch (MN) updated that last year the Rules Committee addressed all the feedback received for the proposal and was surprised that more State Councils did not support the rule. A. Ehlers (ID) commented that the JJDP amendment may have an impact and cited language in the bill that the juvenile has the right to an attorney. Chair Hawkins added that the Missouri State Code of Regulations includes language regarding a hearing in close proximity to where the alleged offense occurred.
- The Rules Committee agreed to defer the matter indefinitely until something new develops.

#### *Rule 7-101 and Rule 7-106*

- D. Dodd (NM) shared opposition from a New Mexico Sheriff's department for the transportation of juveniles without receiving reimbursement for estimated expenses and suggested amending Rule 7-101 or Rule 7-106 for clarity of the financial responsibility.

- M. Lacy (WV) asked the National Office how many states had reported having this issue. A Lippert indicated that the National Office had received feedback from only the state of New Mexico. Idaho stated that they too had experienced the issue.
- D. Dodd (NM) suggested the following language... *holding states are not eligible for reimbursement for the cost of transporting juveniles to local airports or other public transportation* in an emergency proposal to amend Rules 7-101 and/or 7-106 in 2016.
- R. Bisch (MN) questioned what constitutes an emergency in a non-rule making year. A. Lippert cited the requirements in Rule 2-103(10). The Rules Committee questioned who determines an emergency exists and agreed to defer discussion until a future meeting when Rick Masters is in attendance.

#### *Rule 8-101 #2*

- R. Bisch (MN) brought forward a request to amend the language in Rule 8-101(2) to clarify that the juvenile is going to a residential facility.
- The Rules Committee agreed to consider amending the rule in a future meeting.

### **Additional Items for Consideration**

#### *Return of a juvenile to the sending state*

- R. Bisch (MN) questioned the location of the rule that addresses supervised juveniles returning to the sending state.
- The Rules Committee reviewed the language in Rule 8-101(1)(b)(iii) and commented that “*for the purpose of visitation:*” could be eliminated.
- J. Miller (AR) referred to the Case Closure Rule suggesting that language could be added under Section 500, the section that addresses supervision in the receiving state.
- The Rules Committee discussed and agreed to consider in a future meeting.

#### *Advisory Opinion #02-2015 – Form IA/VI*

- J. Miller (AR) requested the Rules Committee discuss the signatures on the Form IA/VI.
- Chair Hawkins agreed to include as a future agenda item.

#### *Rule 4-101(2)(b) Eligibility*

- L. Quam (ND) shared confusion to the definition of *deferred adjudication* incurred during state trainings. Field staff question the applicability of Rule 4-101 with regard to unsupervised probation.
- J. Niksa (RI) commented that not all states monitor deferred adjudication and agreed the definition could be clarified. D. Dodd (NM) commented that deferred adjudication with “conditions” qualifies as an ICJ transfer. A. Lippert proposed addressing the issue in an advisory opinion. A. Ehlers (ID) referenced a prior advisory opinion issued on this topic.
- R. Bisch (MN) suggested that Rule 4-101 be reviewed for clarity at a future meeting and the Rules Committee concurred.

#### *ICPC*

- A. Ehlers (ID) requested the Rules Committee take a closer look at the ICJ Rules regarding ICPC juveniles placed in detention.
- R. Bisch (MN) noted that ICJ is involved when there is a demand for the juvenile and the juvenile is held in detention over 24 hours.
- A. Ehlers (ID) agreed to submit a more detailed inquiry at a future meeting.

*Region Meetings*

- Chair Hawkins encouraged members to update their regions on the work of the Rules Committee and share the regional feedback with the Rules Committee.

**Old Business**

There was no old business.

**New Business**

There was no new business.

**Adjourn**

- **M. Lacy (WV) made a motion to adjourn. D. Dodd (NM) seconded. Chair Hawkins adjourned the meeting by acclamation at 3:13 pm EST.**