

# 2025 ICJ RULE AMENDMENT PROPOSALS FINAL POSTING



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**Published July 21, 2025**

For Consideration at the Annual Business Meeting on August 27, 2025

# Proposals At-A-Glance

	Rule Number and Name	Submitted By	Supported by Rules Committee	Effect on other Rules & Advisory Opinions	UNITY Impact	FORMS Impact	FISCAL Impact
<b>Section 100 Definitions</b>							
<b>1</b>	1-101: Human Trafficking	East Region	N	N	N	N	N
<b>Section 400 Transfer of Supervision</b>							
<b>2</b>	4-102: Sending and Receiving Referrals	Rules Committee	Y	Y	Y	N	Y
<b>3</b>	4-103: TOS Procedures for JSOs	Rules Committee	Y	N	Y	N	Y
<b>4</b>	4-104: Authority to Accept/Deny Supervision	Midwest Region	Y	Y	Y	Y	Y
<b>Section 500 Supervision in Receiving State</b>							
<b>5</b>	5-103A: Failed Supervision Determined by Receiving State	Rules Committee	Y	Y	Y	Y	Y
<b>Section 600 Voluntary and Non-Voluntary Return of Juveniles/Runaways</b>							
<b>6</b>	6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders	Rules Committee	Y	N	N	N	N
<b>Section 800 Travel Permits</b>							
<b>7</b>	8-101: Travel Permits	Rules Committee	Y	N	N	N	N

**Published July 21, 2025**

For Consideration at the Annual Business Meeting on August 27, 2025

# Notice of Public Hearing

In accordance with [ICJ Rule 2-103](#), prior to the Commission voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee no later than 30 days prior to the meeting at which vote on the rule is scheduled. A public hearing shall be held for comments to be heard.

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## Public Hearing Information

- Location: Virtual Zoom Meeting
- Date: Wednesday, August 6
- Time: 1:00 PM Eastern Time
- [Registration Link for Public Hearing](#) (required for attendance)

## Notification Procedures

Interested persons may submit comments when registering for the Public Hearing. Comments may also be submitted in writing to Executive Director MaryLee Underwood at [executivedirector@juvenilecompact.org](mailto:executivedirector@juvenilecompact.org) or by mail to: 836 Euclid Avenue, Suite 322, Lexington, Kentucky 40502

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Amendments to the following rules will be presented for consideration on August 27, 2025 in Cleveland, Ohio at the Commission's [Annual Business Meeting](#).

1. Rule 1-101: Definitions "Human Trafficking"
2. Rule 4-102: Sending and Receiving Referrals
3. Rule 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders
4. Rule 4-104: Authority to Accept/Deny Supervision
5. Rule 5-103A: Failed Supervision Determined by Receiving State
6. Rule 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders
7. Rule 8-101: Travel Permits

To learn more about the ICJ Rules Promulgation process, visit the Commission's [Promulgation of Rules](#) webpage.

Proposed by: East Region

***NEW RULE 1-101: Definitions***

**Human Trafficking:** exploitation of a person through the use of force, fraud, or coercion for the purposes of forced labor or commercial sex. For sex trafficking of a person under the age of 18, the elements of force, fraud, or coercion are not needed since anyone under the age of 18 cannot consent to commercial sex acts.

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Justification:

Currently there is no definition in the ICJ Rules for Human Trafficking. Due to the correlation of running away and Human Trafficking, we thought it is important to have a definition since runaways are at high risk for trafficking. Having a definition of trafficking will allow for better identification of trafficking cases to be documented in UNITY and case coordination with other stakeholders.

If Human Trafficking is mentioned in any future rules, there will already be a definition in place. This proposal is based on the federal definition of human trafficking.

Effect on Other Rules or Advisory Opinions: None

UNITY Impact: None

Forms Impact: None

Fiscal Impact: None

Effective Date: 4/1/2026

Region Referral to Rules Committee: [12/10/2024](#)

Rules Committee Action: Click on meeting date to view approved minutes.

[12/18/2024](#) – Rules Committee voted 7-2-0 to not support this proposal because the term is not used in the ICJ Rules, and legal documents do not contain definitions that are not referenced in the document.

Proposed by Rules Committee

***RULE 4-102: Sending and Receiving Referrals***

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
  - a. State Committed (Parole) Cases – When transferring a juvenile parolee, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, except as described in 4-102(2)(a)(ii).
    - i. The sending state shall ensure the following referral is complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile's anticipated arrival. The referral shall contain: Form IV, Parole or Probation Investigation Request; Form VI, Application for Services and Waiver; and ~~Order of C~~ommitment. The sending state shall also provide copies (if available) of the ~~P~~etition and/or ~~A~~arrest R~~report(s)~~ Legal and ~~S~~ocial H~~istory~~ supervision summary if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded; photograph, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, shall be forwarded prior to or at the time the juvenile relocates to the receiving state.
    - ii. When it is necessary for a ~~S~~state C~~ommitted~~ (parole) juvenile to relocate prior to the acceptance of supervision, under the provision of Rule 4-104(5), the sending state shall ~~determine if the circumstances of the juvenile's immediate relocation justify the use of~~ provide to the receiving state a Form VII, Out-of-State Travel Permit and Agreement to Return, prior to the juvenile's departure from the sending state, ~~including consideration of the appropriateness of the residence. If approved by the sending state, it shall provide the receiving state with the approved Form VII, Out-of-State Travel Permit and Agreement to Return, along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.~~
    - iii. If not already submitted, the sending state shall provide the complete referral to the receiving state within ten (10) business days of submitting the Form VII, Out-of-State Travel Permit and Agreement to Return, ~~being issued. The receiving state shall make the decision whether or not it will expedite the referral.~~



- b. Probation Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state. The referral shall contain: Form IV, Parole or Probation Investigation Request; Form VI, Application for Services and Waiver; ~~O~~orders of ~~A~~adjudication and ~~D~~disposition; ~~C~~conditions of ~~P~~probation; and ~~P~~petition and/or ~~A~~arrest ~~R~~report(s). The sending state shall also provide (if available) ~~L~~legal and ~~S~~social ~~H~~history; supervision summary, if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded; photograph, and any other pertinent information. Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, shall be forwarded prior to or at the time the juvenile relocates to the receiving state, if the juvenile is not already residing in the receiving state.
3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation. If the juvenile is already residing in the receiving state, the receiving state shall obtain the juvenile's signature on the Form VI, Application for Service and Waiver.
4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

*History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022*

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Justification:

In 2024, Rule 8-101 was amended to clarify that travel permits are required for all pending transfer requests. The current language in Rule 4-102(2)(a)(ii-iii) could create confusion in that it appears to allow the option of sending a travel permit for a parolee who must relocate prior to the acceptance of supervision. The proposed edits clarify the requirement of a travel permit for this unique situation.

The language also mirrors the proposed edits to Rule 4-103(3). Because the sections in Rules 4-102(2)(a)(ii-iii) and 4-103(3) speak to the same process, but for different populations, the language should be as similar as possible to eliminate confusion and inconsistencies between the two rules.

The language regarding "expediting" the process in Rule 4-102(2)(a)(iii) is stricken, as the receiving state has the discretion to expedite the home evaluation. Since it is not a requirement, and there is no timeframe or mechanism to track this, the language should be removed.

Effect on Other Rules or Advisory Opinions:

**Administrative Updates: Advisory Opinions**

- [Advisory Opinion 02-2015: Signatures on the Form VI](#). The rule is quoted in entirety in the advisory opinion and will require administrative updates to reflect new language. However, the summary and findings are not affected by the proposed language.

UNITY Impact: Yes. The current due date for submitting the full referral after submitting a travel permit is currently calculated according to 10 business days after "arrival date." The calculation would need to be adjusted to 10 business days after submission date.

Forms Impact: No.

Fiscal Impact: Cost estimate for the impact on UNITY is \$10,800.

Effective Date: 4/1/2026

Rules Committee Action: Click on meeting date to view approved minutes.

[2/21/2024](#) – Rules Committee voted 6-5-1 to recommend rule amendment.

[6/13/2024](#) – Rules Committee voted 10-0-0 to recommend rule amendment.

[2/19/2025](#) – Rules Committee voted 6-0-0 to edit language in paragraph 2(a)(ii) to clarify that the written explanation is to be submitted “along with” the Form VII, Travel Permit.

[4/8/2025](#) – Rules Committee voted 7-1-0 to add a new sentence to paragraph 4 to require the receiving state to provide an explanation of the home evaluation delay when overdue and to retain the amendments to paragraph 2(a)(ii) as originally proposed by a vote of 8-0-0.

[6/18/2025](#) – Rules Committee voted 8-1-0 to withdraw the amendment to paragraph 4 and refer reviewing reasons for late home evaluations for deeper analysis during the next rules cycle.

Proposed by Rules Committee

***RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders***

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(3) is applicable.
2. When transferring a juvenile sex offender, the referral shall consist of: Form VI, Application for Services and Waiver; Form IV, Parole or Probation Investigation Request; Order of Adjudication and Disposition; Conditions of Supervision; Petition and/or Arrest Report. The sending state shall also provide (if available): Safety Plan; Specific Assessments; Legal and Social History information pertaining to the criminal behavior; Victim Information, i.e., sex, age, relationship to the juvenile; sending state's current or recommended Supervision and Treatment Plan; photograph, and all other pertinent materials. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, shall be forwarded prior to or at the time the juvenile relocates to the receiving state, if unless the juvenile is not already residing in the receiving state pursuant to Rule 4-103(3).
3. When it is necessary for a juvenile sex offender to relocate or reside with a legal guardian prior to the acceptance of supervision, under the provision of Rule 4-104(5) and there is no legal guardian in the sending state, the sending state shall determine if the circumstances justify the use of provide to the receiving state a Form VII, Out-of-State Travel Permit and Agreement to Return, prior to the juvenile's departure from the sending state, including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated: along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
  - a. ~~The sending state shall provide the receiving state with an approved Form VII Out of State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.~~
  - a. If not already submitted, the sending state shall ~~transmit~~ provide the a complete referral to the receiving state within ten (10) business days of submitting the Form VII, Out-of-State Travel Permit and Agreement to Return. ~~The receiving state shall make the decision whether it will expedite the referral or process the referral according to Rule 4-102.~~
  - b. Within five (5) business days of receipt of the Form VII, Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of any applicable registration requirements and/or reporting instructions, ~~if any~~. The sending state shall ~~be~~



~~responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her~~ their family in a timely manner.

- c. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to monitor ~~supervise~~ juveniles pursuant to reporting instructions issued under 4-103(3)(c).
4. In conducting home evaluations or when issuing reporting instructions for juvenile sex offenders, the receiving state shall monitor ~~ensure~~ the juvenile's compliance with local policies or laws ~~when issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).~~
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification, or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

*History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022; amended September 27, 2023, effective April 1, 2024*

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Justification:

In 2024, Rule 8-101 was amended to clarify that travel permits are required for all pending transfer requests. The current language in Rule 4-102(3) could create confusion in that it appears to allow the option of sending a travel permit for a sex offender who must relocate prior to the acceptance of supervision. The proposed edits clarify the requirement of a travel permit for this unique situation.

The language also mirrors the proposed edits to Rule 4-102(2)(a)(ii-iii). Because the sections in Rules 4-102(2)(a)(ii-iii) and 4-103(3) speak to the same process, but for different populations, the language should be as similar as possible to eliminate confusion and inconsistencies between the two rules.

The language regarding “expediting” the process in Rule 4-103(3)(b) is stricken, as the receiving state has the discretion to expedite the home evaluation. Since it is not a requirement, and there is no timeframe or mechanism to track this, the language should be removed.

## Rule Amendment Proposal for Consideration at 2025 Annual Business Meeting

The proposal to the second sentence in Rule 4-103(3)(d) [proposed as new paragraph c] is to strike “supervise” and replace it with “monitor” to indicate that the receiving state can monitor the juvenile prior to case acceptance based on reporting instructions. This is to bring the rule into conformity with Rules 4-104(1)-(2) and Rule 5-101(1), which state that the receiving state does not have the authority to supervise the juvenile until supervision is accepted following the recommendation from the investigating officer.

The language in Paragraph 4 is edited to clarify that the receiving state will monitor the juvenile’s compliance with local policies and laws. The second sentence is stricken as unnecessary and redundant, as Rule 4-104 addresses home evaluation approvals and denials.

Effect on Other Rules or Advisory Opinions: None

UNITY Impact: Yes. The current due date for submitting the full referral after submitting a travel permit is currently calculated according to 10 business days after "arrival date." The calculation would need to be adjusted to 10 business days after submission date.

Forms Impact: None

Fiscal Impact: Cost estimate for the impact on UNITY is \$10,800.

Effective Date: 4/1/2026

Rules Committee Action: Click on meeting date to view approved minutes.

[6/13/2024](#) – Rules Committee voted 10-0-0 to recommend rule amendment.

[2/19/2025](#) – Rules Committee voted 6-0-0 to edit language in paragraph 3 to clarify that the written explanation is to be submitted “along with” the Form VII, Travel Permit.

[4/8/2025](#) – Rules Committee voted 8-0-0 to un-strike the second sentence in paragraph 3(d) [proposed as new paragraph c], which was previously proposed to be removed entirely, and amended the proposal by only striking the word “supervise” and adding the word “monitor.”

**Proposed by Midwest Region**

***RULE 4-104: Authority to Accept/Deny Supervision***

1. Only the receiving state's authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized Compact Office staff's signature is required on or with the Form VIII Home Evaluation Report that accepts or denies supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision shall be accepted unless the home evaluation reveals that the proposed residence is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state. Supervision shall also be accepted as provided in Rule 4-104(5). When supervision is not recommended, the Form VIII, Home Evaluation Report, shall include a detailed justification to include why the proposed residence is not safe and/or suitable.
5. Supervision shall be accepted when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
6. A receiving state that is unable to provide any condition of supervision imposed by the sending state shall notify the sending state of its inability to provide the condition(s) by documenting the conditions which cannot be provided on the Form VIII, Home Evaluation Report.
7. Upon receipt of acceptance of supervision from the receiving state, and prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide a Form V, Notification from Sending State of Parolee or Probationer Proceeding to the Receiving State, to the receiving state.
8. If the transfer of supervision is denied by the receiving state and the juvenile is already residing in the receiving state, the sending state shall, within five (5) business days, secure alternative living arrangements and submit an updated referral or return the juvenile to the sending state. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

*History: Adopted as Rule 5-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27,*

*2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022; amended September 27, 2023, effective April 1, 2024*

*Comment: Rule 4-104 was originally titled "Supervision/Services Requirements," adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 5-101, effective April 1, 2014*

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Justification:

**Problem Statement**

The ICJ Rules do not currently require a receiving state to notify the sending state if any condition of supervision cannot be provided. As a result, the sending state may assume all conditions will be provided upon acceptance of supervision and oftentimes do not learn of the receiving state's inability to provide conditions until a Form IX-Quarterly Progress Report or Form IX-Violation Report is submitted by the receiving state. Consequently, the current process lacks the transparency needed for the sending state to determine whether the best interests of the youth can be served in the receiving state as the ability of the receiving state to provide certain conditions may directly affect decisions made by the sending state regarding the proposed transfer of supervision. Additionally, the sending state authority does not have the opportunity to determine if a condition may be removed from the order.

**Success Statement**

The receiving state will document in the Form VIII-Home Evaluation any conditions of supervision that cannot be provided, resulting in the sending state having the ability to make informed decisions regarding the youth. The sending state will be able to more easily determine whether the best interests of the youth can be served in the receiving state and take such actions as: waiving certain conditions if deemed non-essential, assuming financial responsibility for non-treatment services if payment is a barrier or deciding to not allow the proposed relocation. The inability of the receiving state to provide any condition of supervision imposed by the sending state would not be a valid reason for supervision to be denied by the receiving state.

The Commission could assess the overall success of the amendment through a qualitative analysis.

Effect on Other Rules or Advisory Opinions:

**Administrative Updates: Advisory Opinions**

- [Advisory Opinion 03-2011: Plea and Abeyance Order](#) – Administrative edits only to renumber rule references affected by paragraph numbering change. The summary and findings are not affected by the proposed language.

UNITY Impact: Yes. The Home Evaluation Information tasks will need an additional field for the receiving state to indicate which conditions cannot be provided.

Forms Impact: Yes. The Form VIII, Home Evaluation Report, produced by UNITY and available on the Commission's website, will need an additional field for the receiving state to indicate which conditions cannot be provided.

Fiscal Impact: Cost estimate for the impact on UNITY is \$13,500.

Effective Date: 4/1/2026

Midwest Region Action:

[11/12/2024](#) – Region referred proposal to Rules Committee.

[1/28/2025](#) – Region approved editing the proposal to clarify what is to be documented.

4/28/2025 – Region approved replacing “enforce” and “enforced” with “provide” and “provided.”

Rules Committee Action: Click on meeting date to view approved minutes.

[12/18/2024](#) – Rules Committee voted 8-0-1 to support the proposal with a recommendation to clarify what is documented on the form: “[by documenting \[insert word here\] on the Form VIII, Home Evaluation Report.](#)”

[4/8/2025](#) – The Rules Committee voted 8-0-0 to suggest that the Midwest Region consider substituting the word “enforce” for the word “meet” in two locations in the proposal and consider whether the proposal might have an unintended consequence of increasing supervision denials. The Midwest Region could clarify in the justification section or add language to indicate that the inability of the receiving state to enforce/meet a condition is not a valid reason for denial.

[6/18/2025](#) – Rules Committee voted 9-0-0 to support the proposal as amended by the Midwest Region on April 28, 2025.



Proposed by Rules Committee

***RULE 5-103A: ~~Failed Supervision~~ Mandatory Relocation Determined by Receiving State***

1. The receiving state may determine relocation is mandatory when ~~supervision has failed when a juvenile is not detained and~~ one of the following circumstances applies:
  - a. A legal guardian remains in the sending state, the receiving state has documented efforts or interventions to redirect the behavior, and:
    - i. The juvenile no longer resides in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
    - ii. An alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives have been located in the receiving state; or
    - iii. An immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified.
  - b. The juvenile does not reside with a legal guardian and the person with whom the juvenile resides requests the juvenile be removed from his/her home.
  - c. The juvenile is a student or resides independently in the receiving state and the transfer of supervision fails due to documented instances of violations of conditions of supervision, and the receiving state has documented efforts or interventions to redirect the behavior.
2. ~~Upon a determination of failed supervision, The~~ the receiving state shall notify the sending state using Form IX, Mandatory Relocation ~~Failed Supervision~~ Report, which shall contain the following information:
  - a. Details regarding why ~~how~~ the supervising agent determined relocation is mandatory ~~supervision in the receiving state failed~~; and
  - b. Description of efforts or interventions to redirect behavior or maintain current residence; and
  - c. Any pending charges in the receiving state.
3. The sending state shall respond to the Form IX, Mandatory Relocation ~~Failed Supervision~~ Report, no later than ten (10) business days following receipt by the sending state.

- a. The response shall provide details of an alternative living arrangement secured by the sending state or provide notice that a decision has been made to return the juvenile.
- b. If an alternative living arrangement is not secured, the juvenile shall be returned no later than ten (10) business days following receipt of the Form IX, [Mandatory Relocation](#) ~~Failed Supervision~~ Report, by the sending state. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.

*History: Adopted September 27, 2023, effective April 1, 2024*

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**Summary of Proposed Amendment:**

In [Rule 5-103A: Failed Supervision](#), the phrase “a juvenile is not detained and” should be deleted. Additionally, the proposal changes “failed supervision” to “mandatory relocation.”

**History and Justification:**

***Removal of “a juvenile is not detained”***

The [2022 National UNITY Data Assessment](#) identified concerns about implementation of the ‘failed supervision provisions’ in former Rule 5-103(4). The “new” Rule 5-103A was created to clarify requirements for a receiving state to initiate a ‘mandatory relocation due to failed supervision.’ The requirements for determining supervision has failed were ‘moved’ to the new, more focused Rule 5-103A. Also, a provision was added to specify the receiving state may only determine supervision has failed if the “juvenile is not detained.” This addition was intended to reduce potential conflicts between ICJ Rules, as other ICJ Rules may take precedence in cases where the youth is detained. For example, a receiving state should not initiate a ‘mandatory relocation for failed supervision’ if the youth is detained pursuant to a warrant, as required by ICJ [Rule 7-104](#).

Approximately six months after Rule 5-103A took effect, the Commission received a request for interpretation of Rule 5-103A focused on the meaning of “not detained.” In response, the Executive Committee recommended the Rules Committee determine whether an amendment should be made.

The Rules Committee recommends the phrase “a juvenile is not detained and” should be deleted. It is overly broad and unnecessarily constrains the states’ options for effective responses. In some cases, receiving states temporarily hold youths in detention because “supervision has failed” and there are no other viable options in the community. Most notably, [ICJ Rule 5-101\(3\)](#) authorizes receiving states to detain juveniles as a “[Sanction](#)” for “non-compliance with terms of supervision.” Such temporarily holds allow time for a “[Form IX: Failed Supervision Report](#)” to be issued, alternative living arrangements to be explored, and arrangements for the return to be made, if needed.

Receiving states should be permitted to initiate a 'mandatory relocation' in such cases, so long as all other requirements of Rule 5-103A(1) are applicable. Deleting "juvenile is not detained and" will enable receiving states to do so. This amendment will promote the intended purpose of Rule 5-103A by eliminating an unintended consequence of the current rule.

### *Changing "failed supervision" to "mandatory relocation"*

One of the primary reasons for creating the new statute was to clarify that action was required by the sending state. The phrase "mandatory relocation" captures both the need for action and the type of action required. Also, the term "failed supervision" may lead to negative assumptions about the young person's behavior. However, there the receiving state's determination could be based on several factors that are not related to the youth's behavior.

#### Effect on Other Rules or Advisory Opinions:

#### **Administrative Updates: Other Rules**

- [Rule 7-104: Warrants](#) – If the proposal to ICJ Rule 5-103A passes, ICJ Rule 7-104: Warrants, paragraph 3, will require an administrative consistency edit, per [Rule 2-103\(11\)](#), to replace "failed supervision" with "mandatory relocation."

#### **Administrative Updates: Advisory Opinions**

- [Advisory Opinion 04-2011: Non-adjudicated Juveniles Held in Secure Detention for a Failed Supervision](#) – Administrative edits for consistency with language changes. Legal Counsel review for impacts to summary and findings.
- [Advisory Opinion 03-2018: Whether ICJ Rule 7-104 Requires a Home/Demanding State to Return a Juvenile Being Held on a Warrant](#) – Administrative edits for consistency due to the required edit to Rule 7-104(3) (see Administrative Updates: Other Rules above), which is quoted in the advisory opinion. However, the summary and findings are not affected by the proposed language.

UNITY Impact: Yes. The "Failed Supervision Event" will need to be modified in language and functionality to conform with the proposed amendments. The title will be renamed to "Mandatory Relocation Event." Additionally, the event currently begins with "Is the juvenile detained?" If the UNITY user responds "yes," the event will not proceed. This screening question will be removed from the process.

Forms Impact: Yes. The Form IX, Failed Supervision Report, produced by UNITY and available on the Commission's website will require a title change to "Mandatory Relocation Report," as well as other text edits for conformity with the proposed amendments.

Fiscal Impact: Cost estimate for the impact on UNITY is \$24,300.

Effective Date: 4/1/2026

## Rule Amendment Proposal for Consideration at 2025 Annual Business Meeting

Rules Committee Action: Click on meeting date to view approved minutes.

[1/15/2025](#) – The Rules Committee voted to recommend the proposed amendment to Rule 5-103A by a vote of 9-0-0.

[4/8/2025](#) – After considering comments received, the Rules Committee voted 8-0-0 to affirm the original proposal as presented without changes.

RULE AMENDMENT PROPOSAL

Proposed by Rules Committee

***RULE 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders***

Once an out-of-state juvenile is found and detained, the following procedures shall apply:

1. Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. Probation/parole absconders, escapees or accused delinquents who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state shall have the discretion to hold the juvenile at a location it deems appropriate.
3. The holding state's ICJ Office shall be advised that the juvenile is being detained. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
4. The home/demanding state's ICJ Office shall immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state.
5. At a court hearing (physical or electronic), the court in the holding state shall inform the juvenile of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile.
6. If in agreement with the voluntary return, the juvenile shall sign the Form III, Consent for Voluntary Return of Out-of-State Juveniles, in the presence (physical or electronic) of the court. The Form III, Consent for Voluntary Return of Out-of-State Juveniles, shall be signed by the court.
7. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the Form III, Consent for Voluntary Return of Out-of-State Juveniles, provided the waiver is signed by the juvenile and the court.
8. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state's ICJ Office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.



## Rule Amendment Proposal for Consideration at 2025 Annual Business Meeting

9. ~~The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles.~~ Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles.
10. Juveniles shall be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III Consent for Voluntary Return of Out-of-State Juveniles or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

*History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016; amended September 11, 2019, effective March 1, 2020*

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### Justification:

Deleting this sentence from the Rule helps clarify who is responsible for making return arrangements for a juvenile. This Rule is contradictory to other Rules, such as, Rule 7-102: Public Safety, which states: "The home/demanding/sending state's ICJ Office shall determine appropriate measures and arrangements," and Rule 7-106: Transportation, which states: "Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state....".

It should be the decision of the Home/Demanding State to determine the method of transportation to return the juvenile.

Effect on Other Rules or Advisory Opinions: None

UNITY Impact: None

Forms Impact: None

Fiscal Impact: None

Effective Date: 4/1/2026

Rules Committee Action: Click on meeting date to view approved minutes.

[2/21/2024](#) – Rules Committee voted 12-0-0 to recommend rule amendment.

**Proposed by Rules Committee**

***RULE 8-101: Travel Permits***

1. All travel permits shall be submitted prior to the juvenile's travel using the Form VII, Out-of-State Travel Permit and Agreement to Return. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours who meet the criteria set forth in 1(a) or 1(b):
  - a. Juveniles who have been adjudicated or have deferred adjudications and are on supervision for one of the following:
    - i. sex-related offenses;
    - ii. violent offenses that have resulted in personal injury or death; or
    - iii. offenses committed with a weapon;
  - b. Juveniles who are one of the following:
    - i. state committed;
    - ii. pending a request for transfer of supervision, and who are subject to the terms of the Compact;
    - iii. returning to the state from which they were transferred for the purposes of visitation;
    - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
    - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to a residential facility for placement shall be excluded from this rule; however, states may elect to use the Form VII, Out-of-State Travel Permit and Agreement to Return, for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the travel permit. The issuing state shall instruct the juvenile to immediately report any change in status during that period.
  - a. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.

5. When If a Form VII, Out-of-State Travel Permit and Agreement to Return, is issued, the sending state is responsible for victim notification in accordance with the laws, policies, and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.

*History: Adopted as Rule 5-102 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, and renumbered as Rule 8-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 27, 2023, effective April 1, 2024*

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Justification:

The addition of the travel permit form title, Form VII, Out-of-State Travel Permit and Agreement to Return, in Paragraph 1 specifies upfront the ICJ Form required for travel permits.

The language stricken from Paragraph 5 removes vague, unspecific language.

Effect on Other Rules or Advisory Opinions: None

UNITY Impact: None

Forms Impact: None

Fiscal Impact: None

Effective Date: 4/1/2026

Rules Committee Action: Click on meeting date to view approved minutes.

[1/15/2025](#) – The Rules Committee voted to recommend the proposed amendment to Rule 8-101 by a vote of 9-0-0.