

2013 Rule Proposals for Public Comment

Section 100: Definitions

- 1-101 Adjudicated Status Offender
- 1-101 Aftercare
- 1-101 Custody
- 1-101 Home Evaluation/Investigation
- 1-101 Juvenile Sex Offender
- 1-101 Residential Facility

Section 200: Dues Formula and Data Collection

- 2-102 Data Collection

Section 400: Transfer of Supervision

- 4-101 Processing Referrals
- 4-101A Transfer of Students
- 4-102 Sending and Receiving Referrals
- 4-103 "Transfer of Supervision Procedures for Juvenile Sex Offenders"
- 4-104 Supervision/Services Requirements

Section 500: Supervision in the Receiving State

- 5-102 Travel Permit
- 5-102 Travel Permit (West Region)

Section 600: Return of Juveniles

- Section 600; new introduction paragraph and new title: "Voluntary and Non-Voluntary Return of Juveniles/Runaways"
- 6-103 Non-Voluntary Return of Out-of-State Juveniles
- 6-104 Return of Juveniles Whose ICJ Placement Has Failed
- 6-106 Public Safety

Section 700: Adoption and Amendment of Rules

- Section 700; new title: "Additional Return Requirements for Sections 500 and 600"
- 7-101 Adoption of Rules and Amendments

New Rule Proposals

- Rule # (proposed new ICPC recognition rule)
- Rule # (proposed new violations rule) Reporting Juvenile Non-Compliance, Failed Placement and Returns

Form Proposals

- Form IA/VI – Application for Services and Waiver
- Form VII – Out of State Travel Permit and Agreement to Return
- Form XI – Absconder From Supervision Violation Report

Proposed by Rules Committee

RULE 1-101: Definitions

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult; [e.g., child in need of supervision (CINS), (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.], ~~and who are eligible for services under the provisions of the ICJ.~~

Justification:

Deletion consistent with the Statute.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

~~Aftercare (temporary community placement): a condition in which a juvenile who has been committed in the sending state who is residing and being supervised in the community (for purposes of ICJ, see state committed).~~

Justification:

Rescinding this definition; not used in the Rules.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

Custody: the status created by legal authorities for placement of a juvenile in a secure ~~staff-secured or locked~~ facility approved for the detention of juveniles.

Justification:

Changes recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

Home Evaluation/Investigation: ~~an legal and social~~ evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

Justification:

Changes recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

Juvenile ~~Who Sexually Harms Sex Offender~~: a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.

Justification:

Change addresses state's concerns of labeling juveniles as sex offenders.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

If passed, "juvenile sex offender" will change to "juvenile who sexually harms" in the following rules: Rule 4-103, Rule 4-104(1).

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 1-101: Definitions

Residential Facility: a staffed program that provides custodial care and supervision to juveniles.

Justification:

Adding definition for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Rule 4-101(f)(2) contains “residential facilities” and 5-102(2) contains “residential treatment facility.” Form VII contains “residential treatment facilities.”

JIDS’ Impact:

Strike language in header of Form VII.

Fiscal Impact:

Cost estimate \$150 (1 service hour).

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 2-102: Data Collection

1. As required by Article III (K) of the compact, member states shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away. Each member state shall report annually by July 31st.
2. Runaways, escapees, absconders and accused delinquents:
 - a. The total number of runaways, escapees, absconders and accused delinquents located in and located out of the reporting state processed during the reporting period.
 - b. The total number of Requisitions (Form I and Form II) sent from and received by the reporting state during the reporting period.
 - c. The total number of juveniles who were not returned per Requisition (Form I and Form II) by or to the reporting state during the reporting period.
 - d. The reason(s) the juvenile was not returned per Requisition (Form I and II) by or to the reporting state during the reporting period.
3. Airport Supervision:
 - a. The total number of airport supervision requests met during the reporting period.
4. Parole Supervision:
 - a. The total number of incoming parole cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing parole cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming parole cases terminated during the reporting period.
 - d. The total number of outgoing parole cases terminated during the reporting period.
 - e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
 - f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.
5. Probation Supervision:
 - a. The total number of incoming probation cases received from other states for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - b. The total number of outgoing probation cases sent from the reporting state for investigation and/or supervision during the reporting period and the number which were sex offender related.
 - c. The total number of incoming probation cases terminated during the reporting period.
 - d. The total number of outgoing probation cases terminated during the reporting period.

- e. The number of incoming / outgoing failed placements for violations and the number of incoming / outgoing returned.
- f. The number of incoming / outgoing failed placements for reasons other than violations and the number of incoming / outgoing returned.

~~6. Institutionalization:~~

- ~~a. The total number of juveniles from their state who are institutionalized in a public facility in other states during the reporting period.~~
- ~~b. The total number of juveniles from other states who are institutionalized in a public facility in their state during the reporting period.~~

~~7. Out of State Confinement:~~

- ~~a. The total number of juveniles from the reporting state confined in other states during the reporting period.~~
- ~~b. The total number of juveniles from other states confined in the reporting state during the reporting period.~~

6. -8. This Rule will not expire until the Electronic Information System approved by the Commission is fully implemented and functional.

Justification:

Deleted language was relevant to Article X of old Compact and is no longer needed.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-101: ~~Processing Referrals~~ Eligibility Requirements for the Transfer of Supervision

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit a juvenile who is eligible for transfer under this compact to relocate to another state ~~the transfer of supervision of a juvenile eligible for transfer~~ except as provided by the Compact and these rules. ~~A sending state shall request transfer of a juvenile, who is eligible for transfer of supervision to a receiving state under the compact.~~ A juvenile shall be eligible for transfer under ICJ if the following conditions are met:
 - a. is classified as a juvenile in the sending state; and
 - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
 - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
 - d. has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - e. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
 - f.
 1. Will reside with a parent, legal guardian, relative, non-relative or independently, excluding residential facilities; or
 2. Is a full time student at an ~~secondary school,~~ or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
3. ~~All cases being transferred to another state are pursuant to the ICJ except cases involving concurrent jurisdiction under the Interstate Compact on Placement of Children, known as ICPC. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.~~ If a child is placed pursuant to the ICJ and is also subject to the ICPC, placement and supervision through the ICPC would not be precluded.
4. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

Justification:

Title change for consistency with rule.

(2) Language change to clarify that the juvenile, not the supervision, is transferring.

(2)(f)(2) Removed language to clarify full-time student enrollment status as post-secondary.

(3) Amended language to provide clarity for cases with concurrent jurisdiction with the ICPC.

(4) Moved from 3.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee***RULE 4-101A: Transfer of Students* Rescind**

1. Juveniles as defined in Rule 1-101, eligible for transfer as defined by Rule 4-101, who have been accepted as full-time students at a secondary school, or accredited university/college, or state licensed specialized training program and can provide proof of enrollment, shall be considered for supervision by the receiving state.
2. Supervision shall be provided the juvenile according to Rule 4-104.
3. If the juvenile's placement fails, procedures to return the juvenile shall be made by the sending state according to Rule 6-104.

Justification:

Rescinding this rule; redundant and unnecessary to distinguish full-time students from other eligible juveniles in a separate rule. Rule 4-101(f) addresses full-time students.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) business days of receipt. Each ICJ Office shall adhere to the following screening process when sending and receiving referrals. Supervision shall not be provided without written approval from the receiving state's ICJ Office. The sending state shall maintain responsibility until supervision is accepted by the receiving state.

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within their state.
2. Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
3. The ICJ Office in the sending state shall comply with the rules listed below:
 - a. State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state forty five (45) calendar days prior to the juvenile's anticipated arrival: Form IV, Form IA/VI and Order of Commitment. The ICJ Office in the sending state should also provide copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, 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 shall be forwarded prior to placement in the receiving state.

When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 5-101(4), the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state, it shall provide the receiving state with the approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.

The sending state ICJ Office shall provide the complete ICJ referral to the receiving state ICJ office within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether or not it will expedite the ICJ referral.

- b. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state within five (5) business days of receipt: Form IV, Form IA/VI, Order of Adjudication and Disposition, Conditions of Probation and Petition and/or Arrest Report(s). The ICJ Office in the sending state should also provide copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V

shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.

4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state, but will not delay the investigation.
5. The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.
6. The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, forward to the sending state the hHome eEvaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

Justification:

- (4) Recommended to promote timely acquisition of documents.
- (6) Home Evaluation capitalized because it is the name of a form.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

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(2) is applicable.
2. When it is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, and there is no custodial parent or legal guardian in the sending state, ~~under the provision of Rule 5-101(4)~~, the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement. If approved by the sending state's ICJ Office, the following procedures shall be initiated:
 - a. Upon notification, the sending state shall provide the receiving state with an approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - b. The sending state shall transmit a complete ICJ referral to the receiving state within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether it will expedite the ICJ referral or process the referral according to Rule 4-102.
 - c. Within five (5) business days of receipt of the travel permit, the receiving state shall advise the sending state of 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 family in a timely manner.
 - d. The sending state shall maintain responsibility until supervision is accepted in the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions ~~from the receiving state~~. issued under 4-103(2)(c).
3. When transferring a juvenile sex offender, documentation should be provided to the receiving state: Form IA/VI, Form IV, Form V, Order of Adjudication and Disposition, Conditions of Probation, Petition and/or Arrest Report, Risk Assessment, Safety Plan Specific Assessments (if available), Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan, and all other pertinent materials. NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.

4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when ~~to~~ issuing reporting instructions. If the proposed ~~residence~~ placement is unsuitable, the receiving state may deny acceptance referred to in Rule 5-101(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.

Justification:

(2) Inserted language from Rule 5-101(4) for clarity.

(2)(d) Recommended for clarity.

(4) Recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 4-104: Supervision/Services Requirements

1. After accepting supervision, the receiving state will assume the duties of ~~visitation and~~ supervision over any juvenile, ~~including juvenile sex offenders~~, and in exercise of those duties will be governed by the same standards of ~~visitation and~~ supervision that prevails for its own juveniles released on probation or parole.
2. ~~Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state.~~ Both the sending and receiving state shall have the authority to impose sanctions to enforce the terms of probation/parole, which may include the imposition of detention time if legally authorized in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
3. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in placement.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
5. The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
6. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of incarceration shall be determined by the laws regarding the age of majority in the receiving state.
7. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
8. Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.

Justification:

Recommended for clarity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 5-102: Travel Permits

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles who are state committed;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
2. ~~A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole.~~
Youth placed in residential facilities through ICPC shall be excluded from this rule.
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet 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 ensure the juvenile has been instructed 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. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.
5. If a travel permit 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.

Justification:

(2) Amended to exclude ICPC cases from mandatory Travel Permits.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

Strike language in Form VII header; removal of “Travel Permit – RTF Notification” workflow; changes to 2 reports.

Fiscal Impact:

Cost estimate \$825 (5.5 service hours).

Rules Committee Action:

Recommended for adoption.

Effective Date:

Proposed by West Region

RULE 5-102: Travel Permits

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
 - a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles who are state committed;
 - e. Juveniles testing placement and who are subject to the terms of the Compact;
 - f. Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
 - i. Juveniles who are subject to probation supervision.
2. A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole.
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet 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 ensure the juvenile has been instructed 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. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.
5. If a travel permit 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.

Justification:

New language added to include juveniles on probation supervision.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Not recommended for adoption.

Effective Date:

Proposed by Rules Committee

RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles (Replacing entire rule 6-103)

The home/demanding state may Requisition a juvenile that has refused to consent to voluntarily return by using either the ICJ Requisition Form I or Form II process. The same process may be used to request that a juvenile who is not in custody be detained pending return to the home/demanding state.

Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.

Form I - Return of Non-Delinquent Runaways and/or Accused Status Offenders

1. When the juvenile is a non-delinquent runaway and/or an accused status offender, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within 60 calendar days of notification of the youth's refusal to voluntarily return.
 - a. The petitioner may use Form A, Petition for Requisition to Return Runaway Juvenile, or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 1. The petition shall be verified by affidavit.
 2. The petition is to be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 3. Other affidavits and other documents may be submitted with such petition.
 - b. The home/demanding state's appropriate authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
 1. The judge in the home/demanding state shall determine if:
 2. The petitioner is entitled to legal custody of the juvenile;

3. The juvenile ran away without consent;
 4. The juvenile is an emancipated minor; and
 5. It is in the best interest of the juvenile to compel his/her return to the state.
- c. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, Requisition for Runaway Juvenile.
- d. The Form I accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.

Form II - Requisition for Escapee, Absconder or Accused Delinquent.

- 1A. When the juvenile is an Escapee, Absconder or Accused Delinquent the Requisitioner in the home/demanding state shall present to the court or appropriate authority a Requisition Form II, requesting the juvenile's return. When the juvenile is already in custody, this shall be done within 60 calendar days of notification of the youth's refusal to voluntarily return.
- a. The requisition shall be verified by affidavit and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
 1. Judgment
 2. Order of Adjudication
 3. Order of Commitment
 4. Petition Alleging Delinquency
 5. Other affidavits and documents may be submitted with such requisition.
 - b. When it is determined that the juvenile should be returned, the judge or the appropriate authority in the home/demanding state shall sign the Form II, Requisition for Absconder, Escapee or Accused Delinquent.
 - c. The Form II accompanied by the supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
2. Upon receipt of either Requisition Form I or Form II, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.

3. The ICJ Office in the state where the juvenile is located will forward the Requisition Form I or Form II to the appropriate court and request that a hearing be held within (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
4. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the Requisition Form I or Form II is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
5. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.
6. Requisitioned juveniles shall be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
7. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

Justification:

This replaces the previous Rule 6-103. The intent of this proposal is to provide clarity in the returns processes.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

New escalation email in the "Non-voluntary Return" workflow.

Fiscal Impact:

Cost estimate \$150-\$300 (1-2 service hours).

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed **[Rescind]**

1. If it is determined necessary to return a juvenile, whose placement has failed, to the Sending State and the ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate signatures, no further court procedures will be required for the juvenile's return.
2. Upon notifying the sending state's ICJ Office, a duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of his/her return, the sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
4. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
5. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.

Justification:

Rescinding this rule, to replace with proposed Rule: *Reporting Juvenile Non-Compliance, Failed Placement and Retaking* (new violations rule) recommended placing in Section 500.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Dependent upon approval of new violations rule.

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 6-106: Public Safety

1. The home/demanding state's ICJ Office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding states' assessments of the juvenile.
2. If the home/demanding state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding state.
3. ~~Pursuant to ICJ Rule 6-103(12), requisitioned juveniles are to be accompanied in their return to the home/demanding state unless both ICJ Offices determine otherwise.~~

Justification:

Strike paragraph (3). The language was incorporated into the new Rule 6-103: *Non-Voluntary Return of Out-of-State Juveniles*.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Dependent upon approval of proposed Rule 6-103. Recommend moving to section 700 (7-102).

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

RULE 7-101: Adoption of Rules and Amendments

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the Commission in the following manner.

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
 - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee during the annual meeting of the Commission. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the Commission members present at the meeting.
 - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules or amendments and provide the draft to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's Website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official Web site of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.
4. Each proposed rule or amendment shall state:
 - a. The place, time, and date of the scheduled public hearing;
 - b. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
 - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

5. Every public hearing shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. No additional rules or amendments shall be made at the time such action is taken. A rule or amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The Commission shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the Commission's principal office is located. If the court finds that the Commission's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the Commission by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the Commission may promulgate an emergency rule or amendment that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule or amendment is one that must be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect human health and the environment.

11. The Chair of the Rules Committee may direct revisions to a rule or amendments adopted by the Commission, for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the official web site of the Interstate Commission for Juveniles and in any other official publication that may be designated by the Interstate Commission for Juveniles for the publication of its rules. For a period of thirty (30) days after posting, the revision is subject to challenge by any Commissioner or Designee. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Justification:

The intent of this proposal is to eliminate confusion and unintended consequences resulting from amending rules from the floor of the Commission meeting, without properly vetting. This amendment limits the final vote of rule amendments to a simple yes or no vote; however, this amendment would not prohibit discussion prior to a vote. In Article VII, Section 4, the ICJ By-laws provide a mechanism for enacting Roberts Rules of Order for parliamentary procedures, allowing for the suspension of rules, requiring a second and a two-thirds vote. If a suspension of rules motion passed, provisions allow the proposal of amendments from the floor or annually, as needed.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

Section 600 Voluntary and Non-Voluntary Return of Juveniles/Runaways
Return of Juveniles

This section covers juveniles found in one state that need to be returned to another state and have not been transferred through the compact under Section 400. The home/demanding state's ICJ Office shall return all of its juveniles according to one of the following methods.

Justification:

New title and subheading due to reorganization of Section 600.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

Section 700 Additional Return Requirements for Sections 500 and 600
Adoption and Amendment of Rules

Justification:

New title due to reorganization of Section 700.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Fiscal Impact:

\$0

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee**NEW RULE: ICPC Recognition**

ICJ recognizes the authority of ICPC under, Article V of the Interstate Compact for the Placement of Children and supports their authority to return ICPC youth who have run away from their out-of-state placement resulting in a demand for their return by the sending state. To this end, the following rules shall apply:

- a. Juvenile authorities may release ICPC youth to the demanding agency without ICJ involvement if done within the first 24 hours (excluding weekends and holidays) and there are no new law violations in the holding state.
- b. The ICJ Office shall be contacted if the juvenile remains in custody beyond 24 hours and Rule 6-102 and 6-103 shall apply.

Justification:

There is a potential conflict between the Article V of the ICPC and Article I(C) of the ICJ. This rule recognizes the authority of ICPC under Article V, as well as ICJ's responsibility to ensure public safety and the safe return of runaways to the demanding state. Proposed to go in Section 500.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

None

Rules Committee Action:

Recommended for adoption

Effective Date:

Proposed by Rules Committee

NEW RULE: Reporting Juvenile Non-Compliance, Failed Placement and Retaking

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision the receiving state shall notify the sending state of the conditions violated.
 - a. The conditions violated shall be reported using the management system; and
 - b. The violations shall be reported within 30 calendar days of discovery.

2. A violation report shall contain:
 - a. The date of the new citation or technical violation that forms the basis of the violation;
 - b. Description of the new citation or technical violation;
 - c. Status and disposition, if any;
 - d. Supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation.
 - e. Efforts or interventions made to redirect the behavior;
 - f. Sanctions if they apply;
 - g. Recommendations by the receiving state that may include:
 1. Request for revocation;
 2. Request for warrant; or
 3. Request return to the sending state.

3. The sending state shall respond to a report of a violation made by the receiving state no later than 10 business days following receipt by the sending state.
 - a. The sending state shall provide the following:
 - i. Anticipated date the action will occur; and
 - ii. Direction specific to the action or the sending state.
 - b. The sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within five (5) business days in accordance with these rules when:
 - i. A legal guardian remains in the sending state and the placement in the receiving state fails; or
 - ii. A juvenile student transfer placement fails.
 - c. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory under 3(b) the following shall be considered:
 - i. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
 - ii. The ICJ Application for Compact Services and Memorandum of Understanding and Waiver Form (ICJ Form IA/VI) has the appropriate

- signatures; no further court procedures will be required for the juvenile's return.
- iii. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
 - iv. The sending state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111 and within five (5) business days. This time period may be extended with the approval of both ICJ Offices.
 - v. The officer of the sending state shall be permitted to transport delinquent juveniles being returned through any and all states party to this Compact, without interference.
- d. If no action is taken by the sending state in regards to the violation the sending state shall consider terminating legal jurisdiction.

Justification:

To create a rule that deals with juvenile violations, non-compliance, failed placements and retaking. Recommended placing in Section 500.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Paragraph (3)(c)(ii) is dependent upon approval of proposed form IA/VI. Rules 6-106 and 6-111 in paragraph (3)(c)(iv) are proposed to move to Section 700 and become Rules 7-102 and 7-107.

JIDS Impact:

Remove "Return – Failed Placement" as an option under Type in "Add Content;" add fields to Form IX; 2 workflow changes; 6 report changes.

Fiscal Impact:

Cost estimate \$3,150 (21 service hours).

Rules Committee Action:

Recommended for adoption

Effective Date:



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

Form IA

APPLICATION FOR COMPACT SERVICES

TO: _____ (Receiving State) FROM: _____ (Sending State)

I, _____, hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on _____ in _____ (probation/parole) (Receiving State)

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of _____ and especially the privilege to leave the State of _____ to go to the State of _____ is a benefit to me. In return for these advantages, I promise:

- That I will make my home with _____ (Name, Relationship, and Address) until a change of residence is duly authorized by the proper authorities of the receiving state.
- That I will obey and live up to the terms and conditions of _____ as fixed by both the sending and receiving states. I understand and accept that a failure to comply with these terms and conditions may result in sanctions in the sending or receiving state. See, Rule 4-104(1) and (2).
- That I will return at any time to the sending state if asked to do so by the _____ authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state. I have read the above or have had the above read and explained to me, and I understand its meaning and agree thereto.

(Juvenile's Signature) (Date) (Witness' Signature) (Date)

I, in my capacity as the placement resource parent/legal guardian for _____ do approve and subscribe (Juvenile's Name)

to the above Memorandum of Understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state or jurisdiction from any state or jurisdiction within or outside the United States, in which he she may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgment, such return may be necessary or desirable.

(Placement resource's Parent/legal guardian's signature) (Date) (Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile to apply for, reside in, and be supervised by the State of _____ provided that the receiving state accepts supervision and the juvenile complies with the terms of supervision.
(Receiving State)

(Date) **SIGNED:** (If probation, sending state's JUDGE; If parole, sending state's COMPACT OFFICIAL)

Proposed by Rules Committee

Justification:

Recommended to ensure a parent or legal guardian is signing the waiver.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

Strike "placement resource" and replace with "parent/legal guardian" in Form IA/VI text.

Fiscal Impact:

Cost estimate \$150 (1 service hour).

Rules Committee Action:

Recommended for adoption.

Effective Date:



INTERSTATE COMPACT FOR JUVENILES

OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN

FORM VII

VACATION/VISIT ONLY VISIT FOR TESTING PLACEMENT PLACEMENT IN PRIVATE RESIDENTIAL TREATMENT FACILITY

To: _____ From: _____
(Receiving State) (Sending State)

From: _____
(Name, Title) (Agency/Department) (Phone #)

Re: _____
(Juvenile's Name) (DOB) (Race/Sex)

***If known, *Ht:** _____ ***Wt:** _____ ***Eye Color:** _____ ***Hair Color:** _____
(Offense) (Court/Agency #) (Legal Status)

Current Placement

Name: _____ Relationship: _____

Address: _____ Phone: _____

Permission is granted to the above-named juvenile to visit the State of _____
from _____ until _____
(Date) (Date)

He She will be staying with/at _____
(Name/Facility) (Relationship)

at _____
(Full Address) (City) (State) (Zip) (Phone #)

Reason for Visit: _____

Mode of Transportation: _____

Special Instructions: _____

Completed by: _____
(Name) (Title) (Date)

I, the undersigned, recognize that I am under the legal custody/jurisdiction of the State of _____, Department/Court _____. I hereby agree that I will comply with the rules and regulations of my state of jurisdiction and the State of _____ and with the above conditions and instructions. I will return to the State of _____ on _____ voluntarily and without further formality. In signing this agreement, I also understand that my failure to comply with the conditions may result in my being considered absent without leave (AWOL), and a warrant and requisition may be issued for my apprehension and return to the State of _____ for further disciplinary action.

I have read the above **OR** I have had the above read and explained to me, and I understand the meaning of it and agree thereto.

(Juvenile's Signature) (Date)

Witnessed by: _____
(Signature of Caseworker or Probation/Parole Officer) (Title) (Date)

Approved by: _____
(Signature of Supervisor) (Title) (Date)

Proposed by West Region

Justification:

Recommended to provide physical description.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS' Impact:

Add four new fields to Form VII.

Fiscal Impact:

Cost estimate \$300 (2 service hours).

Rules Committee Action:

Not recommend for adoption.

Effective Date:



INTERSTATE COMPACT FOR JUVENILES

Absconder From Supervision Violation Report

FORM XI

Sending State: _____ Receiving State: _____

Case #: _____ Case #: _____

Juvenile's Name: _____ DOB: _____

Absconder's Last Known Contact Information

(Street address) (City) (State) (Zip)

Phone #: _____ Date of last contact with supervising agent: _____

Details of the juvenile's absconding:

Pending charges in the receiving state? YES NO If YES, please describe below:

(Name of Juvenile Worker) (Date)

By checking this box, I confirm the validity of the information contained within this form.

(Supervisor Name) (Date)

By checking this box, I confirm the validity of the information contained within this form.

Compact Administrator/Official Name (Date)

By checking this box, I confirm the validity of the information contained within this form.

Proposed by Rules Committee

Justification:

Eliminate form as it was the intent of the Rules Committee when proposing Rule 6-104A: Absconder Under ICJ Supervision to use the Violation Report for this process.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

None

JIDS Impact:

Delete Form XI and add 4 fields to Form IX; 2 report changes.

Fiscal Impact:

Cost estimate \$1200 (8 service hours).

Rules Committee Action:

Recommended for adoption.

Effective Date: