

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

February 21, 2024

2:00 p.m. ET

Via Zoom



Preliminary Business

Call to Order

Rules Committee Chair S. Horton (NC) called the meeting to order at 2:00 p.m. ET.

Roll Call

Director Underwood called the roll, and a quorum was established.

Voting Commissioners/Designees in Attendance:

1. Stephen Horton (NC), Commissioner, Chair
2. Caitlyn Bickford (NH) Commissioner, Vice Chair
3. Judy Miller (AR), Designee
4. Howard Wykes (AZ), Designee
5. Jean Hall (FL), Commissioner
6. Tracy Hudrlik (MN), Commissioner
7. Julie Hawkins (MO), Commissioner
8. Edwin Lee, Jr. (NJ), Designee
9. Sasaun Lane (OH), Commissioner
10. Trissie Casanova (VT), Designee
11. Dawn Bailey (WA), Designee
12. Casey Gerber (WI), Commissioner

Members Not in Attendance:

1. Jen Baer (ID)
2. Jennifer LaBaron (NJ), Commissioner
3. Jedd Pelander (WA), Commissioner

National Office Staff in Attendance:

1. MaryLee Underwood, Executive Director
2. Jenny Adkins, Operations and Policies Specialist
3. Joe Johnson, System Project Manager
4. Amanee Cabbagestalk, Training and Administrative Specialist

Agenda

S. Horton (NC) approved the agenda by acclamation. There were no objections.

Minutes

J. Miller (AR) made a motion to approve the January 17, 2024, meeting minutes. J. Hall (FL) seconded. The motion passed.

Check-ins

Rules Committee Chair Horton (NC) welcomed everyone to the meeting. He shared a quote by Thurgood Marshall.

Reports

Chair Report

- Chair Horton (NC) shared that no challenges were received in response to the *Notice of Revisions to Pending Amendments*. The updated Rule Amendments and *ICJ Rule Changes* infographic are available on the Commission's website.
- He shared that a new graphic was developed to clarify that cases do not automatically close in UNITY when the home evaluation is denied.

Unfinished Business

Determine options for states when issues arise in completing home evaluations in 45-calendar days.

- This discussion carried over from the previous committee meeting. Chair Horton shared that he doesn't believe a rule amendment to Rule 4-102(4) is necessary.
- J. Hawkins (MO) suggested it should be addressed and raised concern that the existing rule allows for an explanation of a delay to be considered as compliant in UNITY, even if the delay extends beyond 45 days.
- T. Hudrlik (MN) suggested striking the provision that allows an explanation to be provided.
- J. Johnson (National Office) added that the explanation of delay is within the home evaluation report, not a separate event or communication field. The email or note component would have to be utilized to communicate something in advance.
- J. Miller (AR) agreed with T. Hudrlik (MN) and supported striking the language in the rule.
- **T. Hudrlik (MN) made a motion to strike "or provide an explanation of the delay to the sending state" from Rule 4-102(4). J. Miller (AR) seconded.**
- The floor was opened for discussion. J. Hawkins (MO) stated that she did not support the proposed amendment, despite her concerns regarding the rule. C. Gerber (WI) agreed with J. Hawkins (MO). **A voice vote was conducted. Affirmative votes were cast on behalf of: NH, AR, MN, NJ, OH, and NC. Dissenting votes were cast by: AZ, FL, MO, VT, and WI. WA abstained. The motion carried 6-5-1.**

Discuss whether Rules 6-102(9), 7-102, and 7-104 regarding warrants and unaccompanied juveniles are in conflict.

- C. Bickford (NH) reviewed the previous discussion of whether Rules 6-102(9), 7-102, and 7-104 regarding warrants and unaccompanied juveniles are in conflict that began during the January meeting.
- J. Miller (AR) suggested deleting the first sentence in Rule 6-102(9), i.e. "The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles."
- T. Casanova (VT) asked if anyone knew the original intent of the rule when it was developed.
- J. Hawkins (MO) added that she thought it was tied into a statute under the original Interstate Compact *on* Juveniles, which preceded the Interstate Compact *for* Juveniles.
- T. Hudrlik (MN) asked if there was a possibility that the holding state may have been holding the youth for another reason (new pending charges, etc.) and that could have been why that part was added.
- J. Hall (FL) suggested deleting all of Rule 6-102(9).
- Director Underwood added that removing the entire paragraph may have broader implications. **J. Miller (AR) made a motion to delete the first sentence from 6-102(9), i.e. "The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles." T. Casanova (VT) seconded. The motion carried 12-0-0.**

New Business

West Region Recommendation: Review "danger to themselves or others" in Rules 6-102 and 6-103

- West Region Representative H. Wykes (AZ) stated that many western states have expressed concerns about the phrase "danger to themselves or others" and are uncertain who should make this determination.

- Some are frustrated because runaways are placed in group homes rather than detention centers when it is determined that this standard is not met.
- H. Wykes (AZ) asked whether the phrase requires that a clinical determination must be made.
- Director Underwood (National Office) provided a brief history regarding the phrase “danger to themselves or other,” indicating it has a specific meaning in legal contexts. It was introduced in a well-known case decades ago. Consequently, most judges and lawyers understand it to mean that a person presents a risk of suicide or homicide. She suggested it is not feasible to change the meaning of the “danger to self or others” standard. However, the Commission could amend the rule to a different standard.
- T. Casanova (VT) added that she thinks that it is important to have a definition of the term (for ICJ) and clarity on who determines this.
- T. Hudrlik (MN) supported retaining the rule as written. She views the rule to be common terminology for interpretation; however, she would hesitate to change this because every state has different procedures.
- **H. Wykes (AZ) made a motion to table the topic until the April or May meeting due to time restraints. T. Casanova (VT) seconded. The motion carried.**

Presentation of East Region Returns Subcommittee Survey Questions

- East Region Representative C. Bickford (NH) shared a list of concerns regarding non-delinquents and returns that was developed to help build a survey that will be conducted during upcoming region meetings.
- T. Casanova (VT), who is leading the East Region subcommittee, shared that the group is exploring topics, including:
 - top concerns when facilitating a return to or from your state;
 - barriers to facilitate a return when there is a lack of NCIC entry; and
 - law enforcement barriers.
- Director Underwood (National Office) suggested addressing an underlying policy issue that causes significant challenges. States approach detention of runaways in very different ways. Detention is the preferred alternative in some states, and the last resort in others.
- J. Hawkins (MO) replied that the Commission should not address this issue but allow the states to make this determination on their own. She noted that other barriers arise in return cases involving non-delinquent runaways, not just housing them.
- T. Hudrlik (MN) added that the Rules Committee should not propose rule changes based on one specific case but must look at the bigger picture.
- T. Casanova (VT) indicated she agrees with J. Hawkins (MO), as placement is the smallest issue the subcommittee discussed in relation to picking up non-delinquent runaways. She suggested the survey move forward to gather input from other regions because child safety is at risk.
- C. Bickford (NH) added that the topic was included on the agenda to help develop the poll for upcoming regional meetings, not necessarily for the purpose of any rule changes.

Next Steps

- There will be no Rules Committee meeting in March. The next Rules Committee meeting is scheduled for April 17, 2024.

Adjourn

Rules Committee Vice Chair Bickford (NH) adjourned the meeting by acclamation without objection at 3:06 p.m. ET.