

INTERSTATE COMMISSION FOR JUVENILES

Rules Committee Meeting Minutes

December 20, 2023

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. Julie Hawkins (MO), Commissioner
6. Edwin Lee, Jr. (NJ), Designee
7. Sasaun Lane (OH), Commissioner
8. Trissie Casanova (VT), Designee
9. Dawn Bailey (WA), Designee
10. Casey Gerber (WI), Commissioner

Non-Voting Members in Attendance:

1. Jen Baer (ID)

Members Not in Attendance:

1. Jean Hall (FL), Commissioner
2. Tracy Hudrlik (MN), Commissioner
3. Jennifer LaBaron (NJ), Commissioner
4. 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

Agenda

- D. Bailey (WA) made a motion to approve the agenda as presented. E. Lee, Jr. (NJ) seconded. The motion passed.

Minutes

- J. Miller (AR) made a motion to approve the July 12, 2023, meeting minutes. C. Bickford (NH) seconded. The motion passed.

Orientation

- Rules Committee Chair Horton (NC) urged new and returning committee members to be actively engaged in meetings and to use their cameras. The members were encouraged to state their concerns and to adopt a global perspective rather than focusing exclusively on one state's perspective.
- He emphasized the importance of sharing opposing views and by providing the following quote from Sandra Day O'Connor: "We don't accomplish anything in this world alone...and whatever happens is the result of the whole tapestry of one's life and all the weavings of individual threads from one to another that creates something."

Reports

- Rules Committee Chair Horton (NC) reported the rule amendments training plan. Training will be conducted weekly each Wednesday at 1:00 p.m. ET in March. The sessions will be led by himself and Vice Chair Bickford (NH), along with a representative from the Technology Committee to train on the UNITY and forms changes. Each session will be recorded and posted for those that wish to review and/or cannot attend.
- The January edition of the *ICJ Updates* will include registration links for the March training sessions.

Unfinished Business

- There was no unfinished business.

New Business

Adopt Rules Committee Calendar through April 2025

- Rules Committee Chair Horton (NC) proposed a "Rules Committee 2-year Calendar" for approval. The calendar proposed meetings through April 2025.
- The rule amendments training sessions in March 2024 (March 6, 13, 20, and 27) were also included on the calendar. There will be no face-to-face meeting in 2024 as it is not a rules year.
- T. Casanova (VT) made a motion to approve the "Rules Committee 2-year Calendar" as presented. D. Bailey (WA) seconded. The motion passed.

Discussion of Rule 6-103 Non-Voluntary Return of Runaways and/or Accused Status Offenders, Paragraph 10, referred by the Executive Committee

- Rules Committee Chair Horton (NC) presented Rule 6-103, paragraph 10: "If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's *appropriate authority* shall initiate the requisition process on behalf of the juvenile." He explained that a state had questioned whether a state ICJ Office should be considered an "appropriate authority" to initiate a requisition.
- S. Horton (NC) shared that North Carolina ICJ Office agency does not have the authority. However, the state's child protection agencies would have the authority.

- Director Underwood shared that state ICJ Offices have reported that no agencies in their state considered themselves to be the “appropriate authority,” and have requested clarification regarding who within that state should take responsibility to file the requisition.
- C. Bickford (NH) commented it would depend on the state agency’s organizational set up. In New Hampshire, when the parent of a non-delinquent refuses to file requisition to return, the matter becomes a child protection issue. According to the ICJ definition of “Appropriate Authority,” the ICJ Office would become legally involved on some level.
- T. Casanova (VT) explained the processes in Vermont would trigger the state to process the case as abandonment.
- Director Underwood reported that she raised the issue at a meeting with representatives of the federal Administration on Children and Families and was advised that each state defines “abandonment” and determine how to address abandonment cases. Failure to file a requisition may fall within that definition in some states and not in others.
- T. Casanova (VT) shared Vermont’s definition of “neglect.”
 - “Neglect refers to the caretaker’s lack of attention to the child’s basic needs such as the failure to provide food, shelter, clothing, supervision, medical care, or education. Unlike physical abuse that tends to be episodic, neglect tends to be chronic - causing the victims to grow up believing that everyone lives as they do. As a result, they may not confide in how they are being treated to anyone. Often, these families have multiple problems although not every multi-problem family is neglectful.”
- Rules Committee Chair Horton (NC) asked whether data is available regarding how many states have encountered this issue. Director Underwood shared from the *“Collaborating with Child Welfare Agencies on Returns: Survey Summary”* that fifty-six (56) percent of those taking the survey indicated they have no process for initiating non-voluntary returns. T. Casanova (VT) suggested that states discuss the issue with their state councils.
- J. Hawkins (MO) shared that the historical construct of the rule, including that use of the term “authorized authority” was intentionally vague to allow states to be responsible for the requisition without naming specific agencies, as they vary from state to state. J. Miller (AR) added that “appropriate authority” was not intended to be the ICJ office.
- Rules Committee Chair Horton (NC) questioned the impact of adding language such as “appropriate child welfare authority.” T. Casanova (VT) commented that the issue is complex with implications beyond the Rules Committee and a rule amendment. C. Bickford (NH) shared that the East Region has also discussed the challenges with non-delinquent runaways.
- The Rules Committee agreed to recommend that the Executive Committee form a work group to address the issue. T. Casanova (VT), C. Bickford (NH), and H. Wykes (AZ) indicated their willingness to be a part of such a work group. T. Casanova (VT) expressed willingness to serve as a group leader.
- **H. Wykes (AZ) made a motion to recommend that the Executive Committee form a work group to address Rule 6-103 (10) and other issues with non-delinquent returns. T. Casanova (VT) seconded. The motion passed.**

Identify Committee Ambassadors for Region Meetings

- Rules Committee Chair Horton (NC) explained that committee ambassadors are being identified from each committee to update on the work of the committees during their

respective region meetings. The following members volunteered to serve as the Rules Committee Regional Ambassadors:

- South – Stephen Horton (NC)
- East – Caitlyn Bickford (NH)
- West – Howard Wykes (AZ)
- Midwest – Sasaun Lane (OH)

Provide feedback on motion for proposed appeals process for denied home evaluations proposed by Julie Hawkins at the May Rules Committee Meeting

- Rules Committee Chair Horton (NC) presented the motion made during the Rules Committee’s May 2023 Meeting as follows:
 - J. Hawkins (MO) made a motion that during the 2024-2025 ICJ Rules cycle the Rules Committee consider a proposal to create an ICJ appeals process to address the denial of home evaluations. T. Casanova (VT) seconded. The motion passed by a 10-0-0 vote.
- J. Hawkins (MO) explained the motion stemmed from cases being denied. Currently, there is no appeals process to address reconsideration for the home evaluation denial. In addition, J. Hawkins (MO) suggested that the Rules Committee also consider language in the rules to extend time frames for home evaluations similar time frames to other processes in the ICJ Rules. J. Hawkins (MO) suggested extending the 45-day home evaluation time frame when issues arise and both states agree, rather than manipulating data in UNITY and denying cases to avoid “going red” in UNITY (which indicates timelines were not met).
- S. Horton (NC) supported retaining the 45-day home evaluation time frame. The ICJ Office is the gatekeeper of the information and responsible for requesting field staff provide solid reasons for denials.
- T. Casanova (VT) supported extending the time frame, noting the rules should reflect the current times. She explained that today’s cases are more complicated than in years past. It is harder to locate people, and some states continue to experience state staff shortages.
- J. Miller (AR) commented it is “uncomfortable” being in the red in UNITY. She views UNITY as a driving force to address red-flagged cases. She supported allowing an extended time frame for home evaluations with legitimate reasons and when both states agree.
- J. Baer (ID) commented that she does not interpret the denial of home evaluations as manipulating UNITY. It is appropriate to deny a request for transfer of supervision if a home evaluation could not be completed in time, since it is not possible for the receiving state to supervise the youth. She shared that when requests for transfer are denied, Idaho advises their locals to retain the paperwork and keep the case on their radar for a potential re-submission.
- Rules Committee Chair Horton (NC) added that the travel permit provides notice of the juvenile’s presence in the receiving state prior to the approval of the request to transfer.
- J. Hawkins (MO) commented that there were two separate issues being discussed.
 - Firstly, to provide feedback to the motion stated above that during the 2024-2025 ICJ Rules cycle, the Rules Committee should consider a proposal to create an ICJ appeals process to address the denial of home evaluations.

- Secondly, she suggested a mechanism to provide extensions to the 45-day home evaluation due date time frame with justifiable reasons and when both states agree.
- Chair Horton opened the floor for any motions on the items discussed.
- **J. Hawkins (MO) made a motion to consider both creating an ICJ appeals process to address the denial of home evaluations and to include the possibility of extending the time frame of those home evaluations. C. Bickford (NH) seconded. S. Horton (NC) opposed. The motion passed.**
- Rules Committee Vice Chair C. Bickford (NH) suggested that this item be added to the Rules Committee January Meeting Agenda.
- J. Miller (AR) shared that she is on the Technology Committee and expressed her confusion to be related to the justification of denials. The Technology Committee has been developing justifications in UNITY for denials in accordance with the new rule to be effective April 1, 2024.

Next Steps

- The National Office will post the approved calendar on the Rules Committee's [web page](#).
- Rules Committee Chair Horton will share the recommendation to the Executive Committee to form a work group to address the Rule 6-103, Non-Voluntary Return of Runaways and/or Accused Status Offenders, Paragraph 10, and other issues with non-delinquent returns.
- The creation of an ICJ appeals process to address the denial of home evaluations, and the possibility of extending the time frame of those home evaluations will be added under "unfinished business" on next month's meeting agenda. Rules Committee Chair Horton (NC) requested that the members be prepared to share thoughts on the issues. He added that should the ICJ Rules be amended to extend the time frame, the verbiage should follow the language from other parts of the ICJ Rules related to the extension of time frames.
- Rules Committee Chair Horton (NC) highlighted the Solution-Focused Tools for ICJ Groups, the "Plan-Do-Study-Act" model, the document that was shared with the Rules Committee prior to the meeting. Director Underwood added that the model highlights the importance of defining the problem before creating a solution.
- Rules Committee Vice Chair Bickford (NH) requested for new business at a future meeting the review of a court order that pointed out a contradiction between the ICJ Rules related to unaccompanied minors and warrants.
- The next Rules Committee meeting is scheduled for January 17, 2024.

Adjourn

Rules Committee Chair Horton (NC) adjourned the meeting by acclamation without objection at 3:27 p.m. ET.