



ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

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Section 100 Definitions

RULE 1-101: Definitions

As used in these rules, unless the context clearly requires a different construction:

Absconder: a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Accused Delinquent: a person charged with an offense that, if committed by an adult, would be a criminal offense.

Accused Status Offender: a person charged with an offense that would not be a criminal offense if committed by an adult.

Adjudicated: a judicial finding, subsequent to proper judicial process, that a juvenile is a status offender or delinquent.

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

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.

Affidavit: a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

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).

By-laws: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

Commission: a body corporate and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the ICJ.

Commissioner: the voting representative of each compacting state appointed pursuant to Article III of this Compact.

Commitment: an order by a court of appropriate jurisdiction ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Compact Administrator: the individual in each compacting state appointed pursuant to the terms of this Compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Compacting State: any state which has enacted the enabling legislation for this Compact.

Cooperative Supervision: supervision provided by a receiving state as requested by a sending state.

Counsel (Legal): a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under this Compact.

Court: any court having jurisdiction over delinquent, neglected, or dependent children.

Court Order: an authorized order by a court of competent jurisdiction.

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

Defaulting State: any state that fails to perform any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules.

Demanding State: the state having jurisdiction over a juvenile seeking the return of the juvenile either with or without pending delinquency charges.

Deputy Compact Administrator: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Designee: a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this compact, authorized by-laws, and rules.

Detainer: a document issued or made by a legally empowered officer of a court or other legal authority authorizing the proper agency to keep in its custody a person named therein.

Detention Order: an order entered by a court to detain a specified juvenile pending further orders or action by the court.

Emancipation: the legal status in which a minor has achieved independence from parents or legal guardians as determined by the laws of the home state.

Escapee: a juvenile who has made an unauthorized flight from a facility or agency's custody to which he has been committed by the court.

Executive Director: the Commission's principal administrator (as defined in the Compact).

Good Faith Effort: reasonable communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.

Guardian ad litem: a person appointed by a court to look after the best interest of the juvenile.

Hearing: a court proceeding in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

Holding State: the state having physical possession of a juvenile.

Home Evaluation/Investigation: a 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.

Home State: the state where the parent(s), guardian(s), person, or agency having legal custody of the juvenile is residing or undertakes to reside.

Interstate Commission: the Interstate Commission for Juveniles created by Article III of this Compact.

Interstate Compact for Juveniles (ICJ): the agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language.

Juvenile: a person defined as a juvenile in any member state or by the rules of the Interstate Commission, including accused juvenile delinquents, adjudicated delinquents, accused status offenders, adjudicated status offenders, non-offenders, non-adjudicated juveniles, and non-delinquent juveniles.

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature.

Legal Custodian: the agency and/or person(s) who has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

Legal Guardian: a person legally responsible for the care and management of the person, or the estate, or both, of a child during minority or for the purpose and duration expressed in the order of guardianship.

Legal Jurisdiction: the authority a court has to preside over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.

Non-Adjudicated Juveniles: all juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision and are eligible for services pursuant to the provisions of the Interstate Compact for Juveniles.

Non-Compacting state: any state which has not enacted the enabling legislation for this compact.

Non-Delinquent Juvenile: any person who has not been adjudged or adjudicated delinquent.

Non-Offender: a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

Notice: Advanced notification given to a party, either written or verbal, in regards to the future of an ICJ case.

Peace Officer: sheriffs, deputies, constables, marshals, police officers, and other officers whose duty is to enforce and preserve public safety.

Petition: an application in writing for an order of the court stating the circumstances upon which it is founded.

Physical Custody: the detainment of a juvenile by virtue of lawful process or authority.

Pick-Up Order: an order authorizing law enforcement officials to apprehend a specified person.

Private Provider: any person or organization contracted by the sending or receiving state to provide supervision and/or services to juveniles.

Probation: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

Promulgate: to put a law or regulation into effect by formal public announcement and publication.

Receiving State: a state to which a juvenile is sent for supervision under provision of the ICJ.

Requisition: a demand in writing or formal request sent to the ICJ Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, escapee, or juvenile charged as delinquent.

Residence: in general, a place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, person or agency entitled to his legal

custody. A parent, guardian, person, or agency's state of residency is where that person or agency resides or undertakes to reside.

Runaway: a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her place of residence, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody.

Rule: a written statement by the Commission promulgated pursuant to Article VI of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

Secure Facility: a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

Sending State: a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

State Committed (Parole): Any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Status Offense: conduct which is illegal for juveniles but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

Termination: the discharge from supervision of a juvenile probationer or parolee by the proper authority in the sending state upon expiration of a court order or upon expiration of the period of probation/parole or following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Travel Permit: written permission granted to a juvenile authorizing the juvenile to temporarily travel from one state to another.

Voluntary Return: the return of the juvenile runaway, escapee, absconder, or juvenile charged as a delinquent to his home state and denotes that he consents to return there voluntarily.

Warrant: an order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

History: Adopted December 2, 2009, effective March 1, 2010

Section 200 Dues Formula

RULE 2-101: Dues Formula

- (1) The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.
- (2) The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
- (3) The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
- (4) The dues formula shall be— (Population of the state / Population of the United States) plus (Number of juveniles sent from and received by a state / total number of offenders sent from and received by all states) divided by two.

History: Adopted December 2, 2009, effective March 1, 2010

Section 300 Forms

RULE 3-101: Approved Forms

The following forms have been approved and adopted by the Commission, and shall be used as appropriate in all cases processed through the Interstate Compact for Juveniles:

- Form I (Requisition for Runaway Juvenile)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form IA/VI A& B (Application for Compact Services/Memorandum of Understanding and Waiver)
- ICJ Travel Permit
- ICJ Home Evaluation
- IX (Quarterly Progress Report)
- X (Interstate Compact for Juveniles Commission Annual Report)

Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at:

www.juvenilecompact.org

History: Deferred adoption December 3, 2009, Adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim

RULE 3-102: Optional Forms

Use of the following forms is optional:

- Petition for Hearing on Requisition for Runaway Juvenile
- Order Setting Hearing for Runaway Juvenile
- Petition for Requisition to Return Juvenile
- Petition for Hearing on Requisition for Escapee, Absconder, or Juvenile Charged as Delinquent
- Order Setting Hearing for Escapee Absconder, or Juvenile Charged as Delinquent
- Juvenile Rights
- Case Closure

History: Deferred adoption December 3, 2009, Adopted use of AJCA forms (with revisions to logo, compact and rule notations) in interim

Section 400 Transfer of Supervision

RULE 4-101: Processing Referrals

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.

No state shall permit the transfer of supervision of a juvenile eligible for transfer except as provided by the Compact and these rules.

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 and remains subject to the laws and regulations of the state responsible for the juvenile's supervision.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-102: Sending and Receiving Referrals

Each ICJ Office shall forward all its cases within five (5) working days of receipt. If standard is not attainable, said ICJ Office shall work with the ICJ Commission to develop a plan of compliance.

Each ICJ Office shall adhere to the following screening process when sending and receiving referrals:

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, in duplicate 45 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 duplicate 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 shall be forwarded to the receiving state upon the juvenile’s release from an institution.
 - b) Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state, in duplicate, within five (5) working 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 duplicate copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state.
4. The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state.
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, make every effort to forward to the sending state the home evaluation along with the final approval or disapproval of the request for cooperative supervision.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-103: Transfer of Supervision Procedures

1. Cooperative 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.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's ICJ Office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's ICJ Office as expeditiously as possible, along with an explanation of the nature of the emergency.
3. When transferring a sex offender, additional documentation, if available, should be provided to the receiving state, including:
 - a. assessment information, including sex offender specific assessments;
 - b. information relevant to the sex offender's criminal sexual behavior;
 - c. victim information including sex, age, and relationship to the juvenile;
 - d. the sending state's current or recommended supervision and treatment plan.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-104: Cooperative 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. 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.
3. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
4. The sending state shall be financially responsible for treatment services ordered either by the court or paroling authority 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.
5. The age majority and duration of supervision are determined by the sending state.
6. In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance.
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 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. Cases currently under supervision cannot be closed without the consent of the sending state prior to the termination date.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-105: Communication Requirements Between States

1. All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices.
2. Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. An e-mail copy of the correspondence must be sent to the ICJ Administrator's Office in both states.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-106: Closure of Cases

1. The sending state has sole authority to discharge/terminate its juveniles with the exception of when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.
2. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 90 calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. Cases which terminate due to expiration of a court order or upon expiration of the period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) working days.
4. The receiving state may submit to the sending state a request for release from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide a written explanation, within 60 days, as to why the juvenile cannot be released from probation/parole. Failure by the sending state to respond within 60 days may allow the receiving state to close the ICJ case.
5. Files of closed cases shall be maintained in the ICJ Office for one (1) year after closure before they can be destroyed.

History: Adopted December 2, 2009, effective March 1, 2010

RULE 4-107: Victim Notification

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.

History: Adopted December 2, 2009, effective March 1, 2010

Section 500 Supervision in Receiving State

RULE 5-101: Authority to Accept/Deny Supervision

1. Only the receiving state's ICJ Administrator or designee shall authorize or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's ICJ Administrator's or authorized agent's signature is required on or with the home evaluation form that approved or denied supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed placement 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.
5. When placement of a youth with a person entitled to legal custody is not recommended in the receiving state, the sending state shall review the concerns of the receiving state, including any home study or evaluation conducted by the receiving state within ten (10) calendar days after receipt of the receiving state's recommendation. If the judge or other appropriate authority in the sending state decides to proceed with the placement despite the concerns of the receiving state, the sending state shall submit a Court order or written justification of an authorized official containing the reason(s) for the decision to proceed with the placement before supervision will be accepted in the receiving state.
6. Upon receipt of acceptance of supervision from the receiving state, and within five (5) working days 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 written notification of the juvenile's departure to the receiving state.
7. **Juveniles Who Have Legal Custodian(s) Remaining in the Sending State:** When the placement of juveniles in receiving states is not successful, the sending state shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with these rules.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 5-102: Travel Permits

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. Travel Permits and Agreement to Return shall be issued for the purpose of testing a proposed placement. The permit shall not exceed ninety days (90), with a referral packet to be received by the receiving state's ICJ Office within thirty (30) days of the effective date of the Travel Permit.
2. Travel Permits shall be issued for visits that exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) days.
 - b. When a Travel Permit exceeds thirty (30) days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
3. Regardless of length of stay, travel permits shall be issued to all juveniles subject to the terms of the ICJ for all visits in cases in which the adjudicated offense(s) includes 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; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided and received prior to the juvenile's movement.
5. The receiving state's ICJ Office shall forward the Travel Permit, as necessary, to the jurisdiction of the visit.

History: Adopted December 3, 2009, effective March 1, 2010

Section 600 Return of Juveniles

The home state's ICJ Office shall return all of its juveniles according to one of the following methods.

RULE 6-101: Release of Non-delinquent Juveniles to Parent or Legal Guardian

1. All remedies and procedures provided by this Compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a non-delinquent juvenile to their parent/legal guardian within the first 24-hours (excluding weekends and holidays) of detainment without applying Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. Non-delinquent juveniles who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home state.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-102: Voluntary Return of Out-of-State Juveniles

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

1. The holding state's ICJ Office shall be advised of juvenile detainment. The holding state's ICJ Office shall contact the home state's ICJ Office advising them of case specifics.
2. The home state's ICJ Office shall immediately initiate measures to determine juvenile's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her rights under the compact using the ICJ Juvenile Rights Forms or an alternate, comparable procedure. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the return, the juvenile will sign the approved ICJ Form III, consenting to voluntarily return.
5. 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 Compact office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home state.
6. The home 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.
7. Juveniles are to be returned to the home state in a safe manner and within five (5) working days of receiving a completed Form III. This time period may be extended up to an additional five (5) working days with approval from both ICJ Offices.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-103: Non-Voluntary Return of Out-of-State Juveniles

The following shall apply to all juveniles who refuse to voluntarily be returned to their home state or whose whereabouts are known, but are not in custody:

1. The appropriate person or authority in the home/demanding state shall prepare a written requisition within sixty (60) days of notification of refusal of the juvenile to sign the consent form for the return of a juvenile who has refused to voluntarily return or to request that a court take into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) 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.
3. If the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home state for a requisition.
 - a. The judge in the home state shall determine if:
 - i. the petitioner is entitled to legal custody of the juvenile;
 - ii. the juvenile ran away without consent;
 - iii. the juvenile is an emancipated minor; and
 - iv. it is in the best interest of the juvenile to compel his/her return to the state.
 - b. If it is determined that the juvenile should be returned the judge in the home state shall sign the requisition.
4. The requisition shall be addressed to the juvenile court in the holding state. The requisition shall be verified by affidavit, executed in duplicate, and shall be accompanied by two (2) certified copies of supporting documents that show entitlement to the juvenile. Examples may include:
 - a. Judgment
 - b. Order of Adjudication
 - c. Petition Alleging Delinquency
 - d. Birth Certificate
 - e. Custody Decree
 - f. Letter of guardianship

5. Upon receipt of the requisition, the home state's ICJ Office shall ensure the requisition is in order and forward two copies to the ICJ Office of the holding state.
6. The ICJ Office of the holding state shall forward a copy of the requisition to the court where the juvenile is believed to be located. If not already detained, the court shall order the juvenile be detained and held securely pending a hearing on the requisition.
7. A hearing shall be held within thirty (30) calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. 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 for the juvenile. A hearing shall be held and:
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home state.
 - b. If the requisition is not honored, the judge shall issue an order in writing advising why it was not honored.
8. The order to return the juvenile shall immediately be forwarded to the holding state's ICJ Office which shall forward the same to the home state's ICJ Office.
9. Requisitioned juveniles are to be accompanied in their return to the home state unless both ICJ Offices determine otherwise. Juveniles are to be returned within five (5) working days of the receipt of the order by the Demanding State's ICJ Office.
10. The home state's appropriate state authority shall initiate the requisition process upon notification by the ICJ Office when non-delinquent juveniles refuse to voluntarily return and the legal guardian refuses to initiate the requisition process.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-104: Return of Juveniles Whose ICJ Placement Has Failed

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 has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirement for this 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 and within five (5) working 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, unless the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state. In such case, 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.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-105: Financial Responsibility

The home state shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) working days of being notified by the holding state's ICJ Office that the juvenile's due process rights have been met (signed Consent to Return Voluntarily, signed Memorandum of Understanding and Waiver, or requisition honored). This time period may be extended with the approval of both ICJ Offices.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-106: Public Safety

1. The home 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 states' assessments of the juvenile.
2. Juveniles who are considered a risk to harm themselves and /or others shall be accompanied on the return to the home state.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-107: Charges Pending in Holding/Receiving State

Juveniles shall be returned only with the consent of the holding/receiving states or after charges are resolved when pending charges exist in the holding/receiving states.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-108: Warrants

- 1 All warrants under ICJ jurisdiction shall be entered into the National Crime Information Center (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state. Holding states shall honor all lawful warrants as entered by other states. Within two (2) working days of notification, the home state shall inform the holding state as to whether the home/demanding state intends to have the juvenile returned.

- 2 When the home state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-109: Custodial Detention

- 1 The home state's ICJ Office shall effect the return of its juveniles within five (5) working days after confirmed notification from the holding state's ICJ Office that due process rights have been met. This time period may be extended with the approval of both ICJ Offices.
- 2 The holding state shall not be reimbursed for detaining juveniles under the provisions of the ICJ unless the home state is non-responsive and uncooperative in its efforts to effect the return of its juveniles within five (5) working days.
- 3 Within ten (10) days after the failure of a home state to return the juvenile, a judicial hearing shall be provided to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of this rule. A juvenile may be discharged from custodial detention to a parent or legal guardian if the holding state has failed to provide such a hearing within the time provided in this rule.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-110: Transportation

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home state and maintaining security of the juveniles until departure.
2. Home states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans should be made with consideration of normal business hours and exceptions shall be approved by the holding state.
3. Holding states shall not return to juveniles any-personal belongings which could jeopardize the health, safety, or security of the juveniles or others (examples: weapon, cigarettes, medication, lighters, change of clothes, or cell phone).
4. Holding states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved carrier by COD or at the expense of the demanding state (e.g., United States Postal Service, United Parcel Service, or Federal Express).
5. In cases where a juvenile is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-111: Airport Supervision

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route to the home state.
2. Juveniles shall be supervised from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 48 hours advance notice.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 6-112: Provision of Emergency Services

In the event of an emergency situation (e.g. weather, delayed flight, missed flight, etc.) that interrupts or changes established travel plans during a return transport, the ICJ member states shall provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

History: Adopted December 3, 2009, effective March 1, 2010

Section 700 Adoption and Amendment of Rules

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.
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. 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.

History: Adopted December 3, 2009, effective March 1, 2010

Section 800 Dispute Resolution, Enforcement, Withdrawal, and Dissolution

The compacting states shall report to the Commission on all issues and activities necessary for the administration of the Compact as well as issues and activities pertaining to compliance with provisions of the Compact and its by-laws and rules.

The Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues, which are subject to the Compact and which may arise among compacting states and between compacting and non-compacting states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact using any or all means set forth in Article XI of the Compact.

RULE 8-101: Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules

1. Informal Communication

Through the office of a state's Compact Commissioner, states shall attempt to resolve disputes or controversies by communicating with each other directly.

2. Failure to resolve dispute or controversy

- a. Following a documented unsuccessful attempt to resolve controversies or disputes arising under this Compact, its by-laws or its rules as required under Rule 8-101, Section 1., compacting states shall pursue informal dispute resolution processes prior to resorting to formal dispute resolution alternatives.
- b. Parties shall submit a written request to the Executive Director for assistance in resolving the controversy or dispute. The Executive Director, or the Chair of the Commission in the Executive Director's absence, shall provide a written response to the parties within ten business days and may, at the Executive Director's discretion, seek the assistance of legal counsel or the Executive Committee in resolving the dispute. The Executive Committee may authorize its standing committees or the Executive Director to assist in resolving the dispute or controversy.
- c. In the event that a Commission officer(s) or member(s) of the Executive Committee or other committees authorized to process the dispute, is the Commissioner(s) or designee(s) of the state(s) which is a party(ies) to the dispute, such Commissioner(s) or designee(s) will refrain from participation in the dispute resolution decision making process

3. Interpretation of the rules

Any state may submit a written request to the Executive Director for assistance in interpreting the rules of this Compact. The Executive Director may seek the assistance of legal counsel, the Executive Committee, or both, in interpreting the rules. The Executive Committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the Executive Director and legal counsel in consultation with the Executive Committee and shall be circulated to all of the states.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-102: Formal Resolution of Disputes and Controversies

1. Alternative dispute resolution

Any controversy or dispute between or among parties that arises from or relates to this Compact that is not resolved under Rule 8.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

2. Mediation and arbitration

a. Mediation

- i. A state that is party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- ii. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the Commission or a national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

b. Arbitration

- i. Arbitration may be recommended by the executive committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- ii. Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the Commission.
- iii. Arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
- iv. Upon the demand of any party to a dispute arising under the Compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.
- v. The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.
- vi. The arbitrator shall have the power to impose any sanction permitted by the provisions of this Compact and authorized Compact rules.
- vii. Judgment on any arbitration award may be entered in any court having jurisdiction.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-103: Enforcement Actions Against a Defaulting State

1. The Commission shall seek the minimum level of penalties necessary to ensure the defaulting state's performance of such obligations or responsibilities as imposed upon it by this compact
2. If the Commission determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Commission may impose any or all of the following penalties.
 - a. Remedial training and technical assistance as directed by the Commission;
 - b. Alternative dispute resolution;
 - c. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Commission;
 - d. Suspension and/or termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted, and the Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the state council.
3. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Commission by-laws, or duly promulgated rules, and any other grounds designating on Commission by-laws and rules. The Commission shall immediately notify the defaulting state in writing of the default and the time period in which the defaulting state must cure said default. The Commission shall also specify a potential penalty to be imposed on the defaulting state pending a failure to cure the default. If the defaulting state fails to cure the default within the time period specified by the Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.
4. Within sixty (60) days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination.
5. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

6. The Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the defaulting state.
7. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-104: Judicial Enforcement

The Commission, in consultation with legal counsel, may by majority vote of the states that are members of the Compact, initiate legal action in the United States District Court in the District of Columbia or at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its office, as authorized under the Constitution and laws of the United States to enforce compliance with the provisions of the Compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

History: Adopted December 3, 2009, effective March 1, 2010

RULE 8-105: Dissolution and Withdrawal

1. Dissolution

The Compact dissolves effective upon the date of the withdrawal or default of a compacting state, which reduces membership in the Compact to one compacting state.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

2. Withdrawal

Once effective the Compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the Compact by specifically repealing the statute, which enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairperson of the Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Commission.

History: Adopted December 3, 2009, effective March 1, 2010

Section 900 Transition Rule

RULE 9-101: Transition Rule

For a period of twelve (12) months from the adjournment of the 2nd Annual Meeting of the Interstate Commission for Juveniles, the following transition rules will remain in effect with respect to those jurisdictions which have not yet enacted the new Interstate Compact for Juveniles:

1. Transactions between signatory states to the new Compact will be governed by the rules adopted by the Interstate Commission for Juveniles;
2. Transactions between non-signatory states to the new Compact will be governed by the rules of the Association of Juvenile Compact Administrators which were in effect as of December 2008;
3. Transactions between signatory and non-signatory states will be governed by the rules of the home/demanding state;
4. All duties and obligations regarding investigations, transfers, supervision, travel, and return of non-delinquent runaways, absconders, escapees and juveniles charged with delinquency shall continue until the juvenile is returned or discharged by the sending/home/demanding state;
5. Conflicts or disputes between signatory and non-signatory states may be mediated by a neutral representative selected by the Interstate Commission for Juveniles and a representative selected by the Association of Juvenile Compact Administrators from its non-signatory states.

History: Adopted December 2, 2009, effective March 1, 2010



Interstate Commission for Juveniles

Memorandum

To: All ICJ Offices

**From: Ashley Lippert, Executive Director
Richard L. Masters, General Counsel**

Date: May 20, 2010

Re: Notice of Clarification of OJJDP Policy on Secure Detention of Runaways

In response to a request by the ICJ National Office, please see the attached legal opinion clarifying current federal law and policy regarding the secure detention of runaways, under the Interstate Compact for Juveniles from Hon. Kathi L. Grasso, Senior Juvenile Justice Policy and Legal Advisor, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

This opinion, and the cited portions of the U.S. Code and OJJDP policy, clarify that it is permissible under federal law and policy for ICJ Compact Administrators to temporarily detain runaways under the ICJ in order to secure their safe return to the jurisdictions where they reside or where other appropriate custody exists.

As cited in this opinion, the relevant provisions of both the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJJPA), 42 U.S.C. 5633 (a) and the excerpt from the *OJJDP Guidance Manual for Monitoring Facilities Under the JJJPA of 2002* clearly provide an exemption for secure detention for out-of-state runaway youth held under the ICJ. In addition, this opinion indicates that the pending version of the reauthorization bill currently under consideration by the U.S. Congress does not change the status of the above referenced exemption.

Compact offices should also take note of the concerns expressed by Ms. Grasso in calling our attention to the proposed Valid Court Order (“VCO”) exemption 'phase out' and the growing trend, evidenced by this proposal, which suggests that alternatives to secure detention and correctional placements need to be identified for status offenders, including runaways, as this aspect of juvenile compact administration is considered going forward.

Please direct any further inquiries in this regard to the national office.

Dear Ashley:

You have sought OJJDP guidance on behalf of the Interstate Commission for Juveniles (ICJ). You asked OJJDP to confirm for you whether the attached OJJDP policy as presented by John Wilson, then Acting OJJDP Administrator, in 1994 is still in effect as it relates to out-of-state runaway youth who are held in a receiving state pursuant to the Interstate Compact on Juveniles. I have conferred with OJJDP leadership and staff on your question. We have concluded that this policy is no longer in effect as it relates to the subject population.

The JJDPA

The Juvenile Justice and Delinquency Prevention Act (JJDPA) was reauthorized, effective 2003. It was modified and created an exemption to the deinstitutionalization of status offenders (DSO) core requirement to permit the subject population to be held in secure detention. The current JJDPA DSO provisions are as follows:

42 U.S.C. 5633(a):

11) shall, in accordance with rules issued by the Administrator, provide that--

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding--

(i) juveniles who are charged with or who have committed a violation of [section 922\(x\)\(2\) of Title 18](#) or of a similar State law;

(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State (emphasis added);

shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles--

(i) who are not charged with any offense; and

(ii) who are--

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

(From Westlaw, 5/13/10)

The OJJDP Guidance Manual for Monitoring Facilities Under the JJDP Act of 2002

OJJDP's 2007 Guidance Manual provides the following in Section 3.2 (this manual is currently being reviewed for possible revisions; we anticipate that this guidance will remain the same in light of current law):

“Out-of-state runaways securely held beyond 24 hours solely for the purpose of being returned to proper custody in another state in response to a warrant or request from a jurisdiction in the other state or pursuant to a court order must be reported as violations of the DSO requirement. Juveniles held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements in total.”

The Reauthorization of the JJDP Act

As we previously discussed, the U.S. Congress is considering the reauthorization of the JJDP Act. The Senate Judiciary Committee has passed S. 678 which includes provisions that provide for a phase-out of the Valid Court Order (VCO) exemption to DSO. Approximately four weeks ago, the House Committee on Education and Labor held a hearing on the JJDP Act reauthorization. We anticipate the introduction of a counterpart House bill.

Although the current version of S. 678 does not appear to change the above-stated exemption for secure detention for out-of-state runaway youth held in accordance with the Interstate Compact on Juveniles, it is important for the ICJ to be aware of the proposed phase-out of the VCO as it reflects a growing trend that alternatives to secure detention and correctional placements need to be identified for status offenders, including runaways. The U.S. Department of Justice has issued a “views” letter to Senator Leahy, Chairman of the Senate Judiciary Committee, in support of S. 678, including its provisions relevant to the phase-out of the VCO. Also, the National Council of Juvenile and Family Court Judges recently supported a resolution in support of the ultimate elimination of the VCO.

Assuming the JJDP Act is reauthorized with the VCO phase-out, and sufficient appropriations, OJJDP will provide training and technical assistance to the states to facilitate the VCO phase-out. We will highlight evidence-based and promising approaches to responding to the needs of status offenders, including runaways, and their families. We would anticipate conferring with our colleagues at USHHS' Youth Services Bureau, the federal agency that oversees the implementation of runaway and homeless youth programs to gather information about best practices. As part of these efforts, we would be interested in working with the Interstate Commission for Juveniles (ICJ) to provide judges and others with insights on alternatives to placement in secure correctional and detention facilities for out-of-state runaways. It may be appropriate at a

future date for OJJDP to convene a meeting with you and others to learn more about the Commission's work and identify potential collaborative activities.

In light of the earlier statement regarding OJJDP policy, it may not be necessary for us to convene a conference call on Friday, the 21st as tentatively planned. However, if you believe a conference call is in order, please let me know.

Of course, do not hesitate to let me know if you have any questions regarding this memo or other matters.

Kathi

Kathi L. Grasso
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INTERSTATE COMPACT FOR JUVENILES

FORM IV

PAROLE OR PROBATION INVESTIGATION REQUEST

FORM IV

DATE: _____

TO: _____
(Receiving State)

FROM: _____
(Sending State)

Name of Juvenile: _____ DOB: _____ Race: _____ Sex: _____

Status: Parole Probation Sending State File # _____

To reside with: **OR** Is residing with: _____
(Name)

Relationship: _____ Telephone: _____

Address: _____ City/State: _____ Zip: _____

Reason for Adjudication/Commitment: _____

Date of Adjudication: _____ Date of Commitment: _____

Minimum Parole/Probation Period: _____ Maximum Parole/Probation Period: _____

Anticipated Placement Date: _____ Present Location: _____

We desire to transfer this juvenile on parole probation to your state:

Because his/her parent/legal guardian resides in your state.

For the following reasons, with your consent: _____

Other Comments: _____

THE FOLLOWING MATERIALS ARE ENCLOSED:

- Cover letter
- IA/VI Application for Compact Services and Memorandum of Understanding and Waiver
- Petition(s)
- Order of Adjudication and Disposition
- Legal and Social History
- Parole/Probation Conditions (Agreement)
- School Transcript/Records
- Immunization Records
- Any other Pertinent Information

FOR ICJ USE ONLY

Signed: _____
(Compact Official/Designee)

Title: _____

Referred by: _____
(Name - Please Print)

Referring Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM IV

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE, AND IDENTICAL PACKETS FOR FORWARDING.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Status of juvenile: parole, probation or other; if other, please explain in space provided.

Sending state file #: the case number given in your office to the juvenile's file or case.

To reside with/is residing with: check one and insert name of person(s) with whom juvenile will reside or does reside in the receiving state. Complete information regarding full address including phone number with area code, and relationship to the juvenile.

Reason for adjudication/commitment: fill in adjudication or pending offenses for which juvenile is to be supervised.

Date of adjudication: insert date of court-ordered supervision of the juvenile.

Date of commitment: insert date of court-ordered commitment of the juvenile.

Minimum parole/probation period: earliest date juvenile could be released from supervision.

Maximum parole/probation period: latest date juvenile could be released from supervision.

Anticipated placement date: approximate date juvenile is anticipated to arrive in this proposed home.

Present location: insert current location of juvenile (at the time this request for supervision is being transmitted to the ICJ office).

(Why) we desire to transfer this juvenile....: if the juvenile's parent or legal guardian resides in the state, check the appropriate box; if the juvenile will be living with someone other than parent or legal guardian, complete the "for the following reasons" section.

Check the appropriate boxes as to the enclosures that are being submitted with the referral packet. All applications should have a cover letter. Include at the very minimum: ICJ Forms IV and IA/VI, Petition/s, Order/s of Adjudication and Disposition, and Parole/Probation Conditions (Agreement). If a social history is available, it must be included as well. All other items are helpful to the successful investigation and supervision of this case by the proposed new state of residency.

Referred by: Printed name of caseworker or officer making this request for supervision.

Referring Agency: Print name of requester's agency.



INTERSTATE COMPACT FOR JUVENILES

FORM IA/VI

APPLICATION FOR SERVICES AND WAIVER

FORM IA/VI

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 parole probation in _____ (Receiving State)

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER

I, _____, realize that the grant of parole probation 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:

1. 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.
 2. That I will obey and live up to the terms and conditions of parole probation as fixed by both the sending and receiving states.
 3. That I will return at any time to the sending state if asked to do so by the parole probation 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 parent guardian of _____ (Juvenile's Name) do approve and subscribe 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.

(Parent's or Guardian's Signature) (Date) (Witness' Signature) (Date)

Permission is hereby granted to the above-named juvenile and parent or guardian to allow the said juvenile to reside in and be supervised by the State of _____ (Receiving State)

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



INSTRUCTIONS FOR COMPLETING ICJ FORM IA/VI

PLEASE TYPE OR PRINT LEGIBLY.

ALL MATERIALS MUST BE PROVIDED TO THE SENDING STATE'S INTERSTATE COMPACT FOR JUVENILES OFFICE IN TRIPLICATE, AND MUST BE DIVIDED INTO THREE SEPARATE, COMPLETE AND IDENTICAL PACKETS FOR FORWARDING.

Form IA – Application for Compact Services

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; requesting state.

“I...” (blank): print juvenile’s name here.

“In view of the above...”: Check either “parole” or “probation” and fill in the name of the receiving state.

Form VI – Memorandum of Understanding and Waiver

“I...” (blank): insert juvenile’s name, check “parole” or “probation,” fill in the name of the state under whose jurisdiction the juvenile is placed, and the name of the state in which the juvenile is residing or will reside.

“1”: insert name, relationship, and address of home offer wherein juvenile is residing or will reside.

“2”: check either “parole” or “probation.”

“3”: check either “parole” or “probation;” Juvenile must sign and date; Witness must sign and date.

“I, in my capacity...”: check appropriate relationship box; insert name of juvenile in blank; parent or guardian in the receiving state must sign and date; witness must sign and date.

“Permission is hereby granted...”: insert name of state in which juvenile will reside and be supervised.

“Signature”: If the juvenile is on probation, the sending state’s JUDGE or court designee signs here. If the juvenile is on parole, the sending state’s Interstate Compact for Juveniles official or designee signs here.



INTERSTATE COMPACT FOR JUVENILES

FORM V

REPORT OF SENDING STATE UPON PAROLEE OR PROBATIONER BEING SENT TO THE RECEIVING STATE

FORM V

TO: _____ DATE: _____
(Receiving State)

FROM: _____
(Sending State) (County)

RE: _____
(Name of Juvenile) (Date of Birth) (Race) (Sex)

The above-named juvenile will depart **OR** has departed from sending state by _____
(Mode of Transportation)

on _____ and was instructed to report in person by telephone **OR** by letter, within 48 hours of
(Date)
arrival in the receiving state to:

Name: _____ Telephone: _____

Address: _____
(Street Address) (City) (State) (Zip)

Enclosed please find: (please check applicable items)

Parole or probation sanctions

Other material as follows:

Please acknowledge receipt of this form and send arrival report as soon as possible.

Signed: _____

Title: _____

Agency: _____



INSTRUCTIONS FOR COMPLETING ICJ FORM V

PLEASE TYPE OR PRINT LEGIBLY.

When to complete this form: This form is to be completed on all transfer of supervision cases. In the case of a juvenile probationer departing to the receiving state prior to the referral materials being sent to the receiving state's ICJ Office and the case is, therefore, unknown to the receiving state, the juvenile must be instructed to continue reporting to the sending state's probation officer. The "Out-of-State Travel Permit and Agreement to Return" form is used as a supplement to the Form V. It is the responsibility of the supervising probation officer to ensure that the juvenile receives a copy of the Travel Permit and that s/he is instructed to carry it on his/her person at all times until supervision is picked up in the receiving state.

Rule 4-103.1: Cooperative 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.

Receiving state: state in which juvenile is residing or will reside.

Sending state: state of probation/parole/adjudication; state requesting cooperative supervision services.

Juvenile name, etc.: insert juvenile's name and vital information as indicated.

Check the appropriate box: "plans to depart" OR "has departed" sending state; insert mode of transportation; insert date of departure; check one: "in person" OR "by telephone" OR "by letter."

Complete reporting instructions as indicated on receiving state's report.

Check as applicable any enclosures.

Signed: The form is to be signed by the sending state's case worker or parole/probation officer; insert title and agency of signer as requested.



INTERSTATE COMPACT FOR JUVENILES

OUT OF STATE TRAVEL PERMIT AND AGREEMENT TO RETURN

TRAVEL PERMIT

VACATION/VISIT ONLY VISIT FOR TESTING PLACEMENT

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

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

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

_____ (Offense) _____ (Court/Agency #) _____ (Legal Status)

Present Placement (check one): Detention Residential Community
 Furlough Foster Care Other (Specify) _____

Location: _____
(Address)

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

He She will be staying with _____
(Name) (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)



INTERSTATE COMPACT FOR JUVENILES

HOME REPORT

HOME EVALUATION REPORT

Sending State: _____ Receiving State: _____

Juvenile's Name: _____ DOB: _____ Case # _____

Placement recommended Placement not recommended Currently in placement

PROPOSED PLACEMENT INVESTIGATED:

Name: _____ Relationship: _____

Address: _____

Home Phone #: _____ Work Phone #: _____

HOME/NEIGHBORHOOD/PEERS (physical description, criminal/gang activity, etc.):

FAMILY STATUS (composition, interactions, at-risk family members, attitude, support capabilities, etc.):

FAMILY EMPLOYMENT/FINANCIAL RESOURCES (if proposed placement resource works, who will supervise the juvenile):

LEGAL HISTORY OF FAMILY (current charges, probation or parole status):

PROPOSED PLAN (school/employment, court-ordered conditions, treatment needs):

OTHER COMMENTS (recommendations, questions, concerns):

REPORTING INSTRUCTIONS:

Name: _____

Agency: _____

Address: _____

Telephone # _____

(Investigating worker – printed name)

(Supervisor – printed name)

(Investigating worker - signature) (Date)

(Supervisor - signature) (Date)

For ICJ Official use only:

Placement approved

Placement denied

(Date)

(Compact Official signature)



INTERSTATE COMPACT FOR JUVENILES

**PROGRESS
REPORT**

QUARTERLY PROGRESS REPORT

Sending State: _____

Receiving State: _____

Case # _____

Case # _____

Juvenile's Name: _____

DOB: _____

Address: _____
(Street address) (City) (State) (Zip)

Phone # _____ Supervision Level: _____ Exp. Date: _____

Progress Topic	Excellent	Good	Fair	Poor	N/A
Adjustment in the home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School/Education performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family and peer relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Treatment/Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY OF PROGRESS SINCE LAST REPORT:

COURT APPEARANCES? YES NO If YES, provide certified court documents and a brief explanation of the current legal situation.

RECOMMENDATION: Continue Supervision Request Discharge Request Revocation

(Juvenile Worker) (Date)

(Supervisor) (Date)

(Compact Administrator/Official) (Date)



INTERSTATE COMPACT FOR JUVENILES

FORM A

PETITION FOR REQUISITION TO RETURN A RUNAWAY JUVENILE

FORM A

I, _____, being the _____
(Name of Parent or Guardian) (Relationship)

of _____ born on _____
(Name of Juvenile) (Date of Birth) (Race/Sex)

do hereby petition _____ for the issuance of a requisition for the return of said
(Name of Court)
juvenile from _____ or any other place in which he/she may be found.
(Location of juvenile, if known)

By reason of said juvenile's age, such return is essential. (Attach additional information if necessary.) In support of this petition and in order that the court may have necessary information pursuant to Article IV of the Interstate Compact for Juveniles, be it known that said juvenile should legally be in my custody and control for the reasons set forth on the attached document(s). To the best of my knowledge, said juvenile has not been adjudicated delinquent, but has run away under the following circumstances and/or for the following reasons:

Attached hereto and in support hereof, I offer the following:

I have read the foregoing Petition and the contents of said Petition are true and correct to the best of my knowledge.

Signed: _____
(Parent or Guardian) (Date)

Address: _____

(It is essential that the above petition be "verified by affidavit" and that certain things be done in accordance with the provisions of Article IV of the Compact, which should be reviewed before preparing this form.)

AFFIDAVIT OF VERIFICATION

On this _____ day of _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____.

NOTARY PUBLIC
Residing at: _____
My Commission expires: _____



INTERSTATE COMPACT FOR JUVENILES

FORM I

REQUISITION FOR RUNAWAY JUVENILE

FORM I

TO: _____ DATE: _____
(Court or Executive Authority in Holding State)

FROM: _____
(Requisitioning Court or Agency in Demanding State)

This court hereby requisitions the return of _____ in accordance with the provisions
(Name of Juvenile)

of the Interstate Compact on Juveniles. (Additional information to be attached if available.) On the basis of the evidence before it, this court finds said juvenile to be _____ years of age and to be of the following description:

Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eyes: _____ Hair: _____ DOB: _____

Other distinguishing features: _____

Juvenile is believed to be in your jurisdiction at: _____
(Address)

This court further finds said juvenile should legally be in the custody of _____ who
is/are _____ and who is/are located at _____
(Parent, Guardian or Agency) (Address)

within the territorial jurisdiction of this court; that said juvenile has run away; and that said juvenile's continued absence from legal custody and control is detrimental to the best interest of said juvenile and the public.

If Requisition is honored, please notify: _____
(Name, title, address, telephone #)

advising when juvenile will be available for transporting to the state of jurisdiction.

Signed: _____ (Judge) _____ (Date)



INTERSTATE COMPACT FOR JUVENILES

FORM II

- REQUISITION FOR ESCAPEE OR ABSCONDER
- REQUISITION FOR JUVENILE CHARGED WITH BEING DELINQUENT

FORM II

TO: _____ DATE: _____
(Appropriate Court or Executive Authority)

FROM: _____
(Name of Court or Agency)

I, _____ requisition the return of _____
born on _____ in accordance with the Interstate Compact for Juveniles, ICJ Rules Section 600, Return of Juveniles.

Said juvenile (check appropriate item):
 was paroled to the custody of _____
 was placed on probation subject to the supervision of _____ (institution or agency)
 was committed to _____

OR
 has fled to avoid prosecution and, despite applicable provisions of law, has:
 escaped absconded fled
and is now believed to be in your jurisdiction at _____
Juvenile's physical description: Ht: _____ Wt: _____ Eyes: _____ Hair: _____ Race/Sex: _____

Identifying marks or scars: _____

Attached are two certified true copies of the judgment, formal adjudication, order of commitment, or petition alleging delinquency, verifying juvenile's legal status.

1. Particulars of adjudication or allegations of delinquency: _____
2. Circumstances of breach of terms of probation, parole, escape from institution or fleeing to avoid prosecution: _____

Accordingly, the undersigned hereby prays for the return of said juvenile as authorized by the Interstate Compact for Juveniles.
If Requisition is honored, please notify: _____
(Name, title, address, telephone no.)

Signed: _____ (Judge or Compact Official) _____ (Date)

(Requisition must be verified by affidavit, signed by requisitioner, and notarized.)

AFFIDAVIT OF VERIFICATION

(Signature of Requisitioner)

On this _____ day of _____, _____, personally appeared before me _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this _____ day of _____, _____.

NOTARY PUBLIC
Residing at: _____
My Commission expires: _____

NO. _____

STATE OF _____ § COURT OF _____
COUNTY OF _____ §
IN THE MATTER OF _____ §
D.O.B. _____ §

**PETITION FOR HEARING ON REQUISITION FOR
ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT**

TO THE HONORABLE _____
NOW COMES the State of _____ by and through the Compact Administrator and moves this
(holding/asylum state)
Court to set a hearing and enter an order for the apprehension and confinement of _____
(name of juvenile)
pending his/her transfer to _____ pursuant to Article I of the Interstate Compact for Juveniles ("ICJ"),
(home/demanding state)
and the _____ And would show as follows:
(holding/asylum state's statute)

I.

JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of _____
(name of juvenile)
to _____ pursuant to Article I of the Interstate Compact for Juveniles ("ICJ"), the
(home/demanding state)
and Rule § _____ Chapter _____ of the _____
(holding/asylum state's statute) (holding/asylum state's administrative code)
Administrative Code, if applicable.

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee, Absconder or
Juvenile Charged as Delinquent filed by the State of _____ under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, _____ (check one) 1. has been found/
(name of juvenile)
located in _____ County/Parish with his/her _____ or 2. is being held in secure
(relationship)
detention in this county/parish pending receipt of this requisition from _____
(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant _____ a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention. (name of juvenile)

III.

STATEMENT OF FACTS

This action is brought by the State of _____ acting through the Compact Administrator,¹ and arises out of the prescriptions of the Interstate Compact for Juveniles, ("ICJ"), Article I which requires the Court to enter an Order to apprehend and later surrender _____ in _____ To local representatives of the ICJ Office in _____ This action originated in _____ when (add particulars as necessary): _____ (holding/asylum state) (name of juvenile) (holding city, state) (home/demanding state) (home/ demanding state)

On _____ a Warrant of Apprehension was issued by the (check one) court or agency in (date) Since _____ was: (check one) 1. now residing in _____ 2. was found/located in this jurisdiction, a Requisition for Escapee, Absconder or Juvenile Charged as Delinquent, issued under Article I of the ICJ, was issued by the _____ authorities, seeking the return of _____ to serve out the terms of his/her (check one) probation, parole, commitment, or to have a hearing regarding the pending charges. (home/demanding state) (name of juvenile) (asylum city/state) (home/demanding state)

¹The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. Terrazas v. Ramirez, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both _____ and _____ have adopted the Interstate Compact for Juveniles
(holding/asylum state) (home/demanding state)
("ICJ"). See _____ and _____ Under Article I of the ICJ, "it is the
(holding/asylum state's statute) (home/demanding state's statute)
purpose of this compact, through means of joint and cooperative action to: return juveniles who have run away,
absconded, or escaped from supervision or control or have been accused of an offense, to the state requesting their
Return through a fair and prompt judicial review process that ensures that the requisition is in order and that the
transport is properly supervised."

In the instant case, _____ Lorena Faye Lanmon Stanton _____ a juvenile: (check one) was not given permission to leave
(name of juvenile)
_____ by his/her (check one) probation, parole officer, or agency, or is alleged to have
(home/demanding state)
committed a criminal act in the State of _____ and fled the state. This Court may hold a hearing to
(home/demanding state)
determine the "legality of the proceeding" and to ensure that the request from _____
(home/demanding state)
is "in order". In the instant case, the legality of _____ request for the return of the juvenile is not in
(home/demanding state's)
question, and therefore this Court should issue an Order for the return of the juvenile-without regard to the wishes of the
managing conservator or any parent of the juvenile.

Respectfully submitted,

(Signature)

(Name)

(Title)

NO. _____

STATE OF _____ § COURT OF _____
COUNTY OF _____ §
IN THE MATTER OF _____ §
D.O.B. _____ §

ORDER SETTING HEARING

On this _____ day of _____, 20____, came on to be considered the State of _____
(home/demanding state's)
Requisition For Escapee, Absconder or Juvenile Charged as Delinquent under the Interstate Compact for
Juveniles, and the Court is of the opinion that the same should be set for hearing.

IT IS HEREBY ORDERED that the State of _____ Requisition For Escapee, Absconder
(home/demanding state's)
or Juvenile Charged as Delinquent is set for hearing on the _____ day of _____, 20____ at _____ .M.

Signed this the _____ day of _____, 20____.

(Judge's Signature)
Honorable _____
JUDGE OF _____
(Court)

cc: ICJ Office



INTERSTATE COMPACT FOR JUVENILES

FORM III

CONSENT FOR VOLUNTARY RETURN BY RUNAWAY, ESCAPEE OR ABSCONDER OR JUVENILE CHARGED AS DELINQUENT

FORM III

I, _____, recognize that I legally belong with
 _____, (Juvenile's Name)
 _____ in _____
 _____ (Name of Legal Guardian/Custodian or agency seeking return) (City/State)
 and I voluntarily consent to return there without further formality, either by myself or in the company of such person as the appropriate authority may appoint for that purpose.

 (Date) (Juvenile's Signature)

I, _____, Judge of _____
 _____ (Judge's Name) (Court or Jurisdiction)
 having informed the juvenile named above of his her rights under the Interstate Compact for Juveniles prior to the execution of the foregoing consent, do hereby find that the voluntary return of said juvenile to:

_____ in _____
 _____ (Legal Guardian/Custodian or agency seeking return) (Contact name & phone number) (City/State)

is appropriate and in the best interest of said juvenile, and do so order such return as provided below (fill in or check appropriate item):

Unaccompanied OR Accompanied by: _____

 (Date) (Judge's Signature)

=====

TO BE COMPLETED ONLY IF COUNSEL OR GUARDIAN AD LITEM IS APPOINTED:

I, _____ being the Counsel Guardian Ad Litem of _____
 _____ (Name of Juvenile)
 recognize and agree that said juvenile should return to _____ in _____
 _____ (Legal Guardian or Custodian or agency seeking return) (City/State)
 either unaccompanied or in the company of such person as the appropriate authority may appoint. I hereby consent to such return.

 (Date) (Signed - Counsel or Guardian Ad Litem)

(Form will be certified or authenticated in accordance with practice of the court.)

Original: Court file; 1 copy each: Juvenile, Holding State's Compact Administrator, Home/Demanding State's Compact Administrator, Local Court in Demanding State.

=====

DETAILED PHYSICAL AND CLOTHING DESCRIPTION OF JUVENILE, & CONTACT INFORMATION

DOB: _____ Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eye color: _____

Hair color and style: _____

Tattoos, scars, identifying marks: _____

Clothing (including shoes): _____

Home/Demanding State's contact name and phone #: _____



STATE OF _____

COUNTY OF _____

IN THE INTEREST OF _____

JUVENILE DIVISION

DOB: _____

SEX: _____ RACE: _____

**INTERSTATE COMPACT FOR JUVENILES
RIGHTS FOR VOLUNTARY RETURN OF RUNAWAY, ABSCONDER,
ESCAPEE, OR JUVENILE BEING CHARGED AS DELINQUENT**

1. Based on reasonable information, you have been taken into protective custody as a runaway from the State of _____ and the State of _____ has requested your return.
2. You have the right to legal counsel/guardian ad litem.
3. Should you desire to have legal counsel and cannot afford to retain legal counsel, this court will appoint legal counsel for you free of charge.
4. You have the right to have a court hearing to determine whether sufficient cause exists to hold you until such time that a requisition or official request for your return has been received from the State of _____, the demanding state.
5. Should this Court find sufficient cause to hold you pending receipt of this requisition, you can be held for a period of time not to exceed 90 days.
6. Upon receipt of the requisition, you have the right to a court hearing to determine whether the requisition is in order.
7. **You have the right to waive or give up the above described rights and to voluntarily Consent to return to the State of _____**
8. If there are pending charges in the demanding state, that voluntary consent to return is made Without reference to guilt or innocence and is not in any way prejudicial to your case and is not an admission of guilt of any crimes.

The above named juvenile has been advised of his/her rights existing under the Interstate Compact for Juveniles as of this date and time.

ENTERED: _____

(Signature of Judge)

The Texas ICJ Office

Presents the:

Interstate Commission for Juveniles

Rules Update Training

for the

Interstate Compact for Juveniles

July 2010

Serving Juveniles While
Protecting Communities

TEXAS GOVERNOR APPOINTMENTS December 2008



Compact Administrator

➤ **Cheryln K. Townsend**



Commissioner / Deputy Compact Administrator

➤ **Donna Bonner**

Texas ICJ

Contact Information

Donna Bonner	Commissioner/DCA
Daryl Liedecke	Asst. Deputy Compact Admin.
Cynthia Orr-Solaas	Parole Coordinator
Shamaur McDaniel	Probation Coordinator (A-L)
Richard Mann	Probation Coordinator (M-Z)
Lorena Lanmon	Administrative Assistant

Main Phone: (512)533-2714

Email: txicj@tyc.state.tx.us

<http://austin.tyc.state.tx.us/cfinternet/icj/>

Handouts

- **Slide Presentation**
- **NEW ICJ Rules**
- **NEW ICJ Forms**
- **OJJDP Policy on Secure Detention of Runaways Memo**

New Compact

- Original Juvenile Compact came about in 1955 and still effective in all states not party to the new compact
- New Juvenile Compact written in 2000, enacted in 2008 upon adoption by 35th state- IL in 8/2008
- Law in 46 states with more to join (7/8/10)
- Interstate Commission for Juveniles is new governing body for all states that adopted new compact
- Interstate Compact for Juveniles - TFC Chapter 60.010
- State Councils

Business with Non-Member States

- **Rule 9-101: Transition Rule**

- 🕒 Effective for 12 months: 12/3/09 – 12/3/10.
- 🕒 States signatory to new compact are governed by new rules
- 🕒 Non-signatory states are governed by AJCA Rules adopted 12/08
- 🕒 Business between member/non-member states
- 🕒 Grandfather clause

Non-Signatory States

- **District of Columbia**
- **Georgia**
- **Indiana**
- **New Hampshire**
- **New York**
- **Ohio**
- **American Samoa**
- **Guam**
- **Puerto Rico**
- **N. Mariana Islands**

Compliance and Enforcement

- Compact Article VII/Rules Section 800-Resolution and Enforcement
- There is a legal obligation to follow and enforce the ICJ provisions and rules as written.
- All Compact member states can be held liable for circumventing or violating the ICJ provisions and rules.
- Your department maintains jurisdiction and responsibility over juveniles adjudicated in your county that move to another state.
- ICJ Commission Compliance Committee- enforces compact rules and can use progressive sanctions for rule violations.

ICJ Forms

Rules 3-101 and 3-102

- All ICJ Forms have been updated
- *Only the New Forms will be accepted*
- Forms can be downloaded from:
 - http://austin.tyc.state.tx.us/CfInternet/icj/forms_index.html
 - <http://www.juvenilecompact.org/Forms.aspx>

Section 400: Transfer of Supervision

Rule 4-101: Processing Referrals

- No state will permit the transfer of supervision except as provided by the Compact and these rules.
- 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.

Section 400: Transfer of Supervision

Rule 4-102: Sending and Receiving Referrals

- Each ICJ Office shall ensure all requests and coordination for ICJ supervision are between ICJ Offices.
- Referral Packets: (3 complete sets)
 - Cover Letter
 - Form IV
 - Form IA/VI
 - Orders of Adjudication/Disposition/Commitment Order
 - Conditions of Probation (Parole when juvenile released)
 - Petition
 - Arrest Report(s)
 - Legal and Social History
 - Any Other Pertinent Information

Section 400: Transfer of Supervision

Rule 4-103: Transfer of Supervision Procedures

- Transfer of cooperative supervision requires written approval from the receiving state's ICJ Office.
- Emergency transfer requests – ICJ Office verifies if emergency exists and will request conditional approval from other state ICJ office for juvenile travel.
- ICJ Travel permits required for juveniles on emergency requests.
- Sex offenders should not be allowed to travel without advance notice to and approval from Texas ICJ.

Section 400: Transfer of Supervision

Rule 4-104: Cooperative Supervision Requirements

Receiving State:

- Same standards of visitation and supervision that prevails for its own juveniles released on probation or parole.
- Quarterly Progress Reports Required
- Additional Reports as Needed
- No Supervision Fees May Be Assessed
- Supervision for Sole Purpose of Collecting Restitution – Not a Justifiable Reason to Open a Case.

Section 400: Transfer of Supervision

Rule 4-104: Cooperative Supervision Requirements

Receiving State:

- **DNA Collection**
- **Sex Offender Registration**

Section 400: Transfer of Supervision

Receiving State – *cont'd*

Rule 4-104.6: Cooperative Supervision Requirements

- **In conducting home evaluations for sex offenders, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions.**

Section 400: Transfer of Supervision

Rule 4-104: Cooperative Supervision Requirements

Sending State:

- **Age of Majority and Duration of Supervision**
- **Treatment Services Ordered by the Sending State**

Section 400: Transfer of Supervision

Rule 4-106: Closure of Cases

- **Sending state has sole authority to discharge/close its cases, except when:**
 - Juvenile is convicted as an adult of a crime in the receiving state and the sentence is longer than the juvenile sentence
- **Placement must be completed within 90 calendar days-sending state may request to keep case open beyond 90 days.**
- **Recommendations for closure-must respond to request for closure within 60 days.**
- **Failure to respond to a request for closure may allow the receiving state to close its case.**

Section 400: Transfer of Supervision

Rule 4-107: Victim Notification

- **Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.**

Section 500: Supervision in the Receiving State

Rule 5-101: Authority to Accept/Deny Supervision

- Only ICJ Administrator or designee can authorize or deny supervision-signature is required on the form to approve or deny supervision.
- The JPD provides a recommendation only
- Supervision may be denied when:
 - proposed placement is **unsuitable**
 - Juvenile is not in substantial compliance with terms of supervision
 - How to determine suitability/compliance

Section 500: Supervision in the Receiving State – *cont'd.*

- **When receiving state does not recommend placement of juvenile with custodial parent/legal guardian:**
 - The sending state reviews the concerns within 10 calendar days.
 - If the Adjudicating Judge decides to proceed with the placement despite the concerns of the receiving state, a Court Order should be submitted containing the decision and the reason(s) for proceeding with the placement before supervision will be accepted in the receiving state.

Out of State Travel Notification

Rule 5-102

Travel Permits are mandatory when:

- Testing a placement-maximum of 90 days
- Visits exceeding 48 hours
- Offenders Whose Adjudicating Offense include any of the following:
 - Sex-related offenses
 - Violent offenses that have resulted in personal injury or death
 - Offenses committed with a weapon
 - Juveniles committed to state custody (parolees)
- Must be faxed or scanned to Texas ICJ prior to the date of travel.

Section 600 - Return of Juveniles

- **Due Process - Juveniles are Returned to Home / Demanding State within 5 Working Days of Completion of Due Process Procedures.**
 - Extension of additional 5 more working days with approval from both ICJ Offices.
- **Non-Delinquents – 24 Hours (Rule 6-101)**
- **Voluntary Return-Form III/Juvenile Rights (Rule 6-102)**
- **Non-Voluntary Return – Requisitions (Rule 6-103)**
 - Form II/ Form I
 - Supporting documents
- **Failed Placements (Rule 6-104)**
 - ICJ Form IA/VI
- **Charges in holding/receiving state (Rule 6-107)**

Summary of Changes

- Compliance/Enforcement
 - Timelines on home evaluations and quarterly progress reports
 - Liability of allowing juveniles to leave without prior approval from ICJ
 - Returning Juveniles
- Forms
- Transition Rule effective thru 12/3/10
- DNA Collection/ Sex Offender registration
- Obtaining ICJ Approval Prior to Travel to Another State
- Definition of “Unsuitable” / Quality of Supervision
- Sex Offender Requirements in Receiving State – Make Sure to Know Before Allowing Offender to Travel
- Rule 5-101 and ICJ Advisory Opinion #03-2010
- OJJDP