

TEXAS INTERSTATE COMPACT ON JUVENILES






19th Annual Juvenile Law Conference

February 24, 2006

Dallas, Texas

COMPACT ADMINISTRATOR

-  **Is Appointed by the Governor.**
-  **Executive Director of the Texas Youth Commission is the Compact Administrator. Dwight Harris Appointed on May 21, 2004.**
-  **Responsible for Ensuring the Statutory Mandates of the ICJ are Carried Out.**

TEXAS INTERSTATE COMPACT ON JUVENILES

Contact Information

<u>Name</u>	<u>Phone Number</u>	<u>E-Mail</u>
Donna Bonner, Deputy Compact Administrator	(512) 533-2714	Donna.Bonner@tyc.state.tx.us
Daryl Liedecke, Extradition Specialist	(512) 533-2715	Daryl.Liedecke@tyc.state.tx.us
Daphne Walker, Parole Coordinator	(512) 533-2716	Daphne.Walker@tyc.state.tx.us
Cristy Caldwell, Probation Coordinator (A-L)	(512) 533-2717	Cristy.Caldwell@tyc.state.tx.us
Carolina Corpus, Probation Coordinator (M-Z)	(512) 533-2718	Carolina.Corpus@tyc.state.tx.us
Lorena Lanmon, Administrative Assistant	(512) 533-2714	s

6400 Highway 290 East, Suite 202

Austin, TX 78723

Fax (512) 458-5077

Visit our web site at:

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

Association of Juvenile Compact Administrators:

www.ajca.us

ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS

- **National Association**
- **Promulgates Rules and Regulations-
Same Force as Law. (ICJ Article XII)**
- **Provides Forum for National Issues,
Training, Grievances Between States.**

ICJ HISTORY

- **First states joined in 1955.**
- **Texas signed into law in 1965. The statute is now codified as TFC, Title 3, Chapter 60.**
- **All 50 States, the Virgin Islands, Guam, and the District of Columbia are signatories to the basic Compact.**
- **The purpose of this Compact is to provide for the welfare and protection of juveniles and the public by:** 5

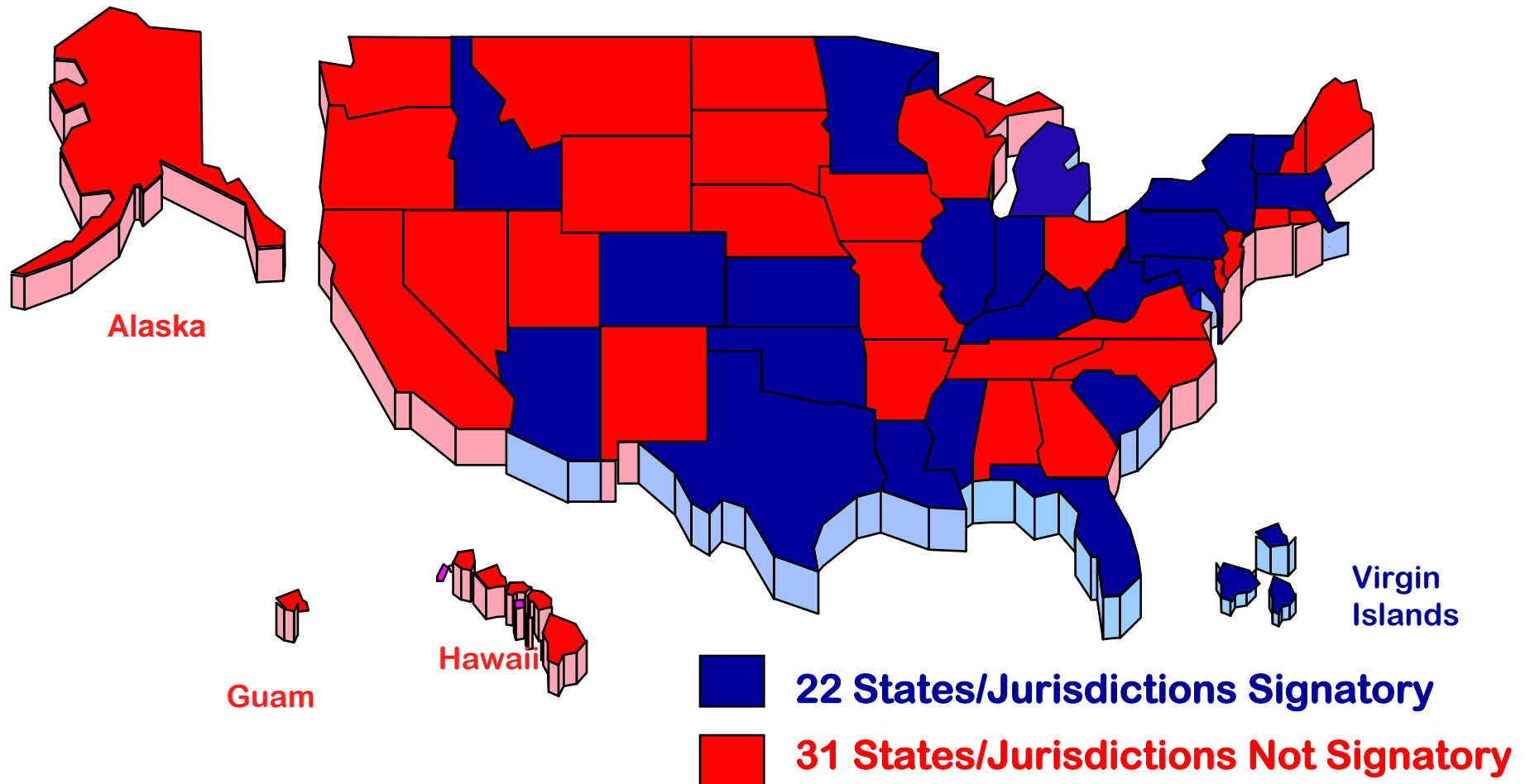
ICJ HISTORY *(continued...)*

- **Cooperative supervision of juveniles on probation/parole.**
- **The prompt return, from one state to another, of juveniles who have run away, escaped, or absconded.**
- **Additional measures for the protection of juveniles and of the public, which any two or more party states may find desirable.**

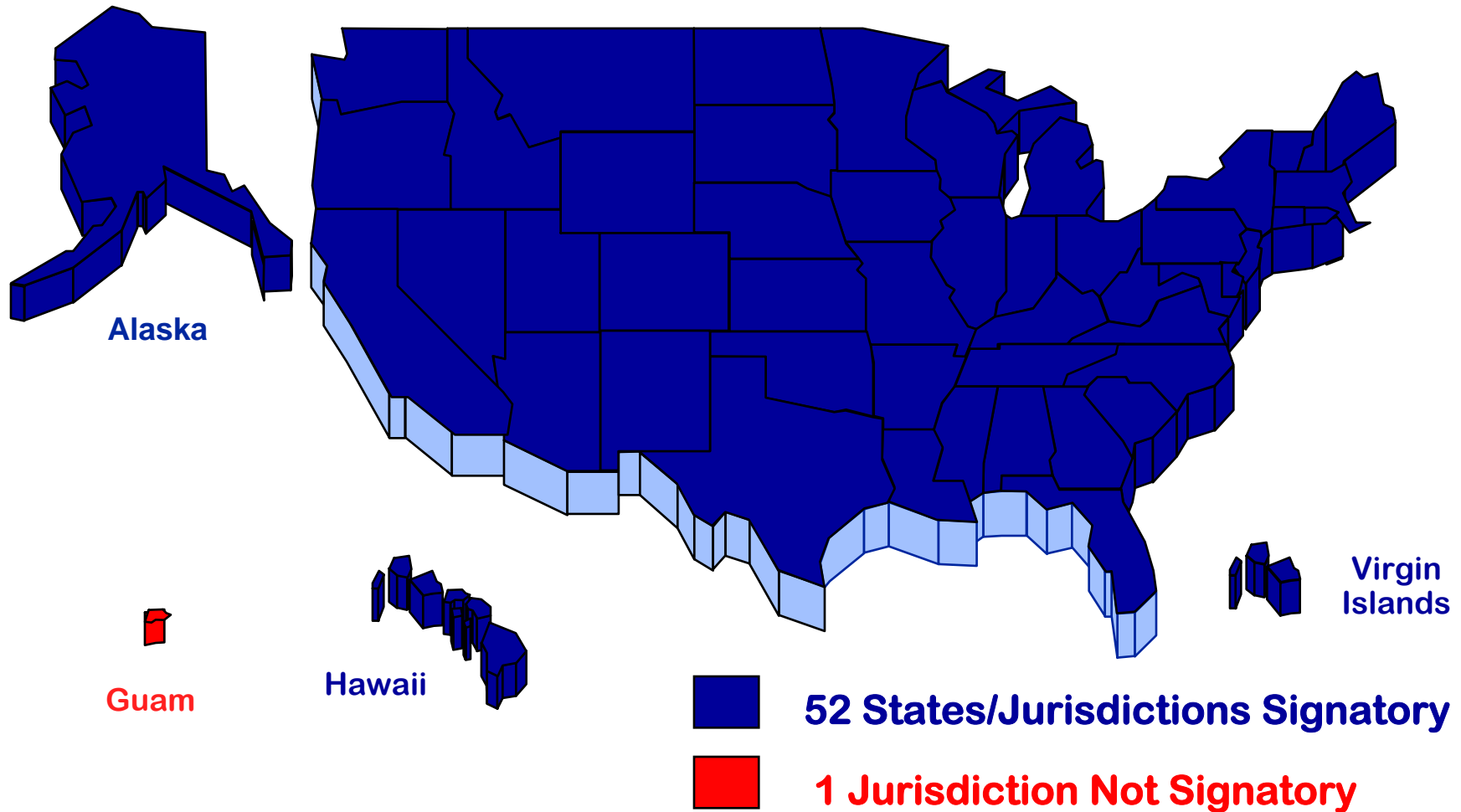
ICJ FRAMEWORK

- **THE ICJ CONSISTS OF 15 BASIC ARTICLES (all states are signatory)**
- **THREE AMENDMENTS (applicable to signatory states only):**
 - ❖ **RUNAWAY**
 - ❖ **RENDITION**
 - ❖ **OUT-OF-STATE CONFINEMENT**

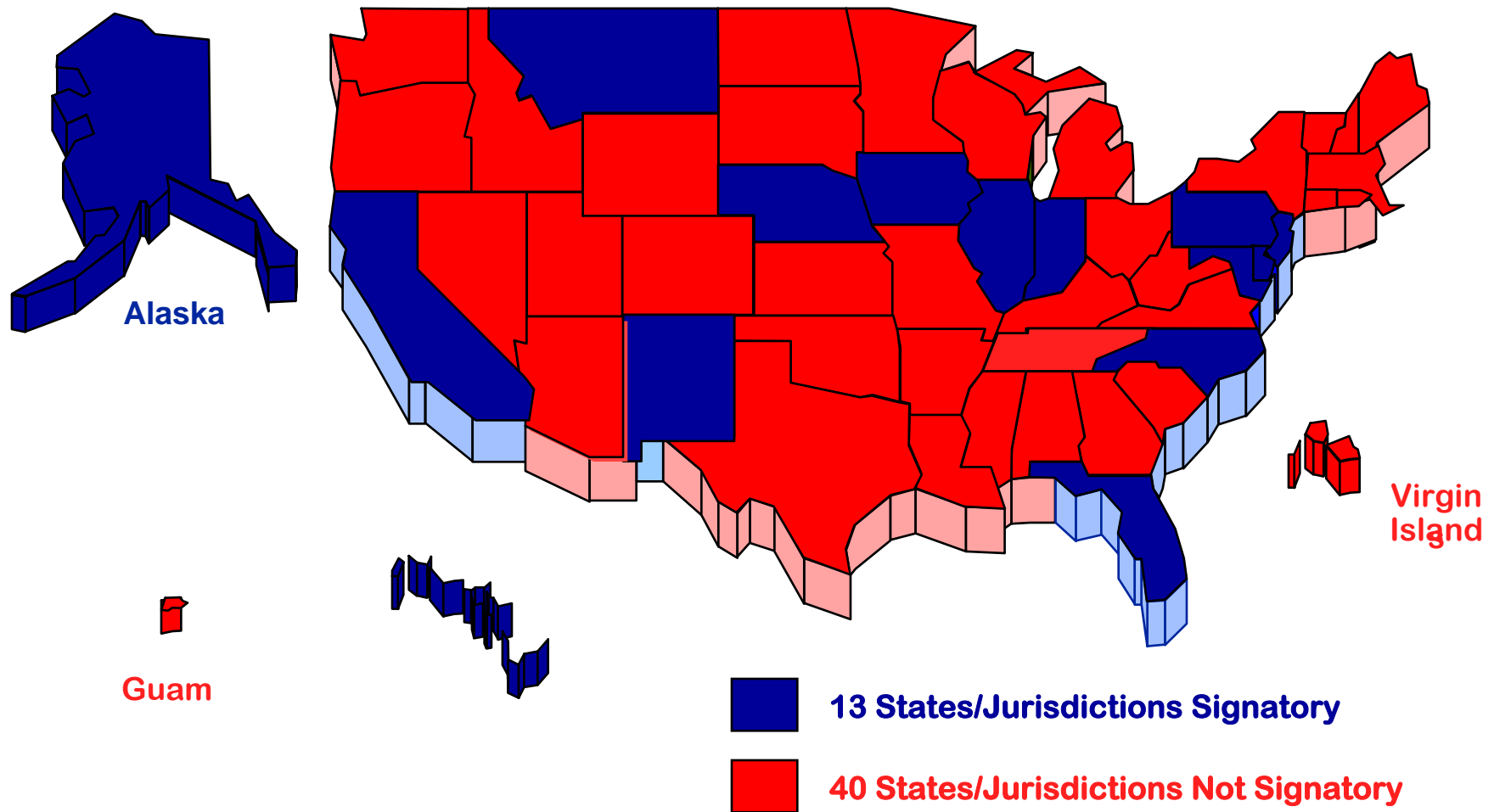
ICJ RUNAWAY AMENDMENT



ICJ RENDITION AMENDMENT



ICJ OUT-OF-STATE CONFINEMENT AMENDMENT

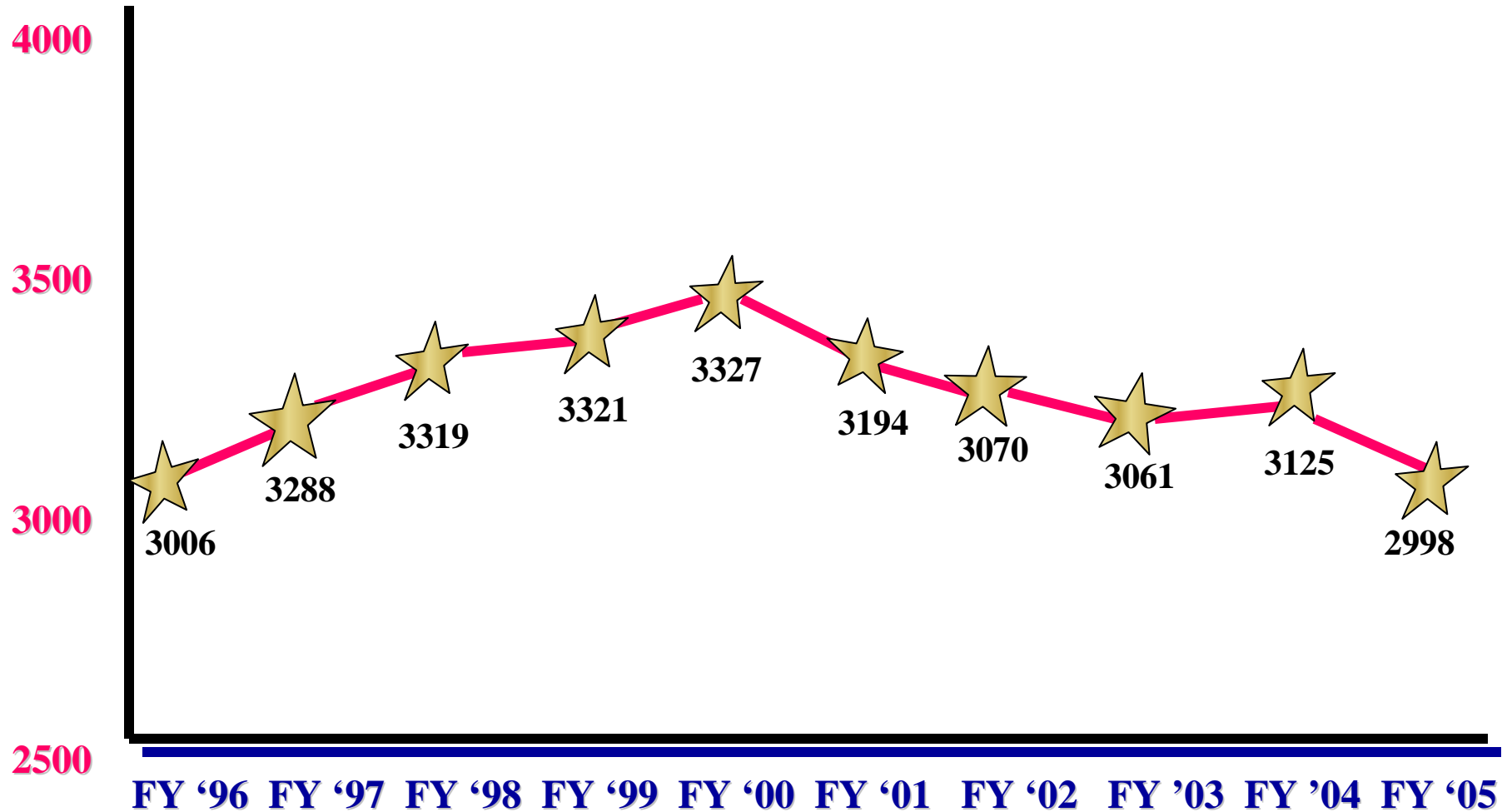


TEXAS INTERSTATE COMPACT ON JUVENILES

FY 2005 Statistics

Cooperative Supervision	2310
Runaways/Absconders/ Escapees	600
Airport Supervision	88
Total	2998

TEXAS ICJ STATISTICS FY 1996 - FY 2005



VARIATIONS IN STATE LAWS

- **Due to variations in laws from state to state, a person who is eligible for probation services in one state may not be eligible in another state.**
- **An individual's status as a juvenile depends on the law in the sending state. (AJCA Rule 3-101)**
- **The Supreme Court has ruled that Compact Law is "Special Legislation" and as such, it supersedes state law. (*Virginia v West Virginia*)**

Texas Attorney General's Opinion

Opinion # DM-147, August 4, 1992

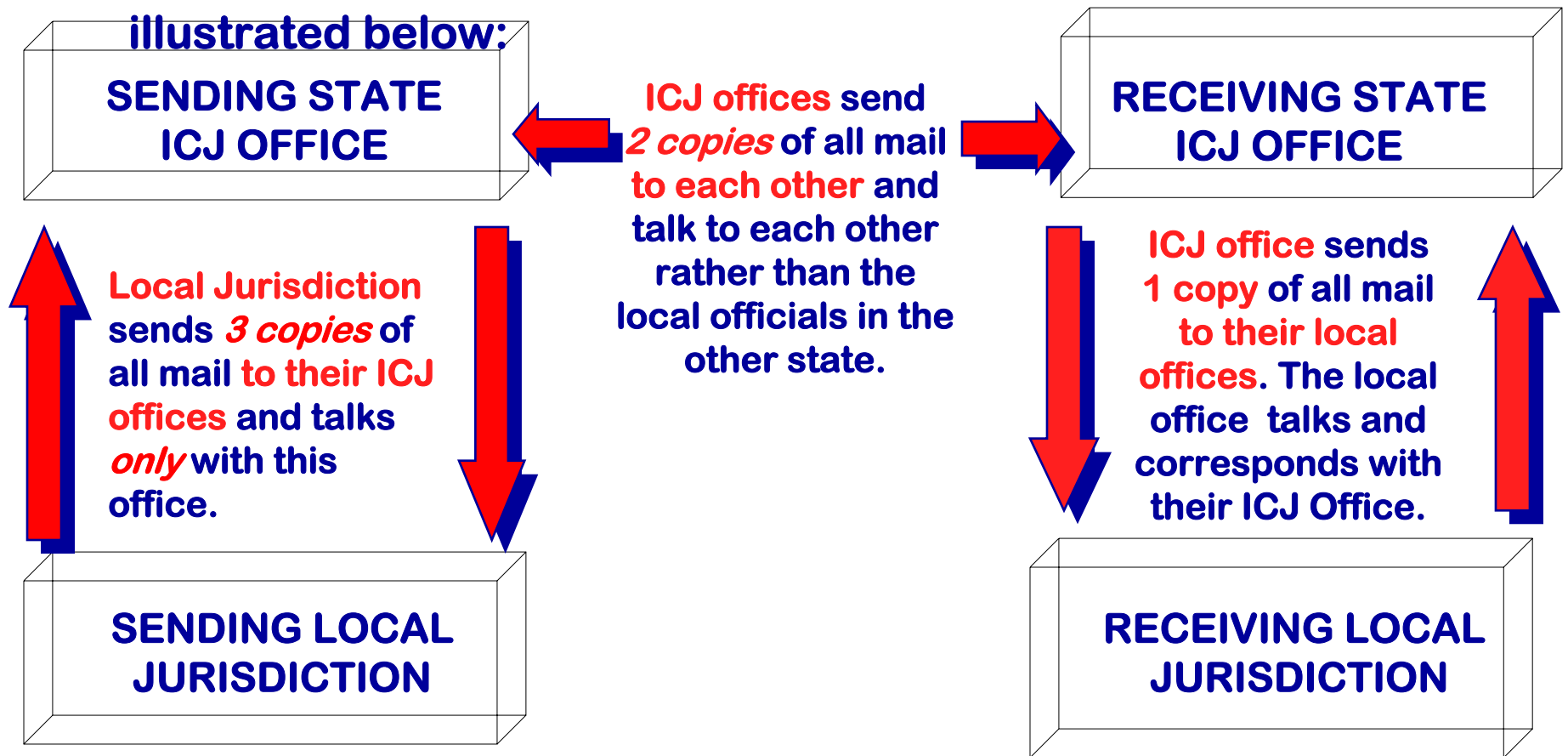
- ❑ Article VII not only determines when a state *MUST* accept supervision under the ICJ, but also provides for a state's voluntary acceptance in other cases.
- ❑ By adopting the ICJ, the Legislature authorized juvenile probation departments to extend their services to any case properly referred to them through the ICJ, regardless of:

Texas Attorney General's Opinion *(cont'd...)*

- ❖ the age of the individual referred, or
 - ❖ the nature of the adjudicating offense.
- ❑ In the latter cases, the “state” and NOT the individual probation department, decides whether or not to accept supervision. Juvenile Probation Departments are required to provide the mandated services.

COMMUNICATION CHANNELS

The **CORRECT** communication lines for mail and phones are illustrated below:



ICJ ARTICLE VII

COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

KEY POINTS:

- **Transfer of *Supervision* Not *Jurisdiction* Or *Disposition***
- **ICJ Provides Only for Another State to be Supervising Agent.**
- **If/When a Juvenile is Allowed to Move to Another State Prior to Approval by that State, the Sending Department May Be Exposed to Liability Risks.**
- **Until Supervision is Accepted in the Receiving State, the Sending Department is Responsible for Supervision.**

ICJ SUPERVISION FORMS

- **Form IA/VI** – Application for Compact Services / Memorandum of Understanding and Waiver (Due Process form)
- **Form IV** – Parole or Probation Investigation Request
- **Form V** – Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State
- **Travel Permit**

ICJ Form IA/VI

Application for Compact Services / Memorandum of Understanding and Waiver

- Juvenile:
 - Understands ICJ a Privilege – Not a Right
 - Agrees to Obey and Live Up to the Terms of Both Sending and Receiving States.
 - Agrees to Return If Asked to Do So.
- Parent/Guardian in Receiving State Agrees to Abide by the Terms.
- Adjudicating Judge, by Signing:
 - Approves the Application and Memorandum.
 - Is Also Modifying the Terms of the Probation Order (residence, supervising officer, supervision fees, etc.).

ICJ TRAVEL PERMIT (AJCA Rule 4-106)

■ PURPOSE: PUBLIC PROTECTION

■ DUAL USE FORM AND MANDATORY WHEN:

- ◆ Testing a Placement, Prior to Acceptance, and
- ◆ Visits / Vacations for Juveniles Whose Adjudicating Offense Includes but is not Limited to:
 - » *Sex-related offenses,*
 - » *Violent offenses that have resulted in injury or death, and*
 - » *Offenses committed with a weapon.*

■ IN ORDER TO BE VALID:

- ◆ Must be completely filled out,
- ◆ Signed, and
- ◆ Dated.

■ AGREEMENT TO RETURN PROVISION

KEY POINTS *(continued)*

■ **Timeframes**

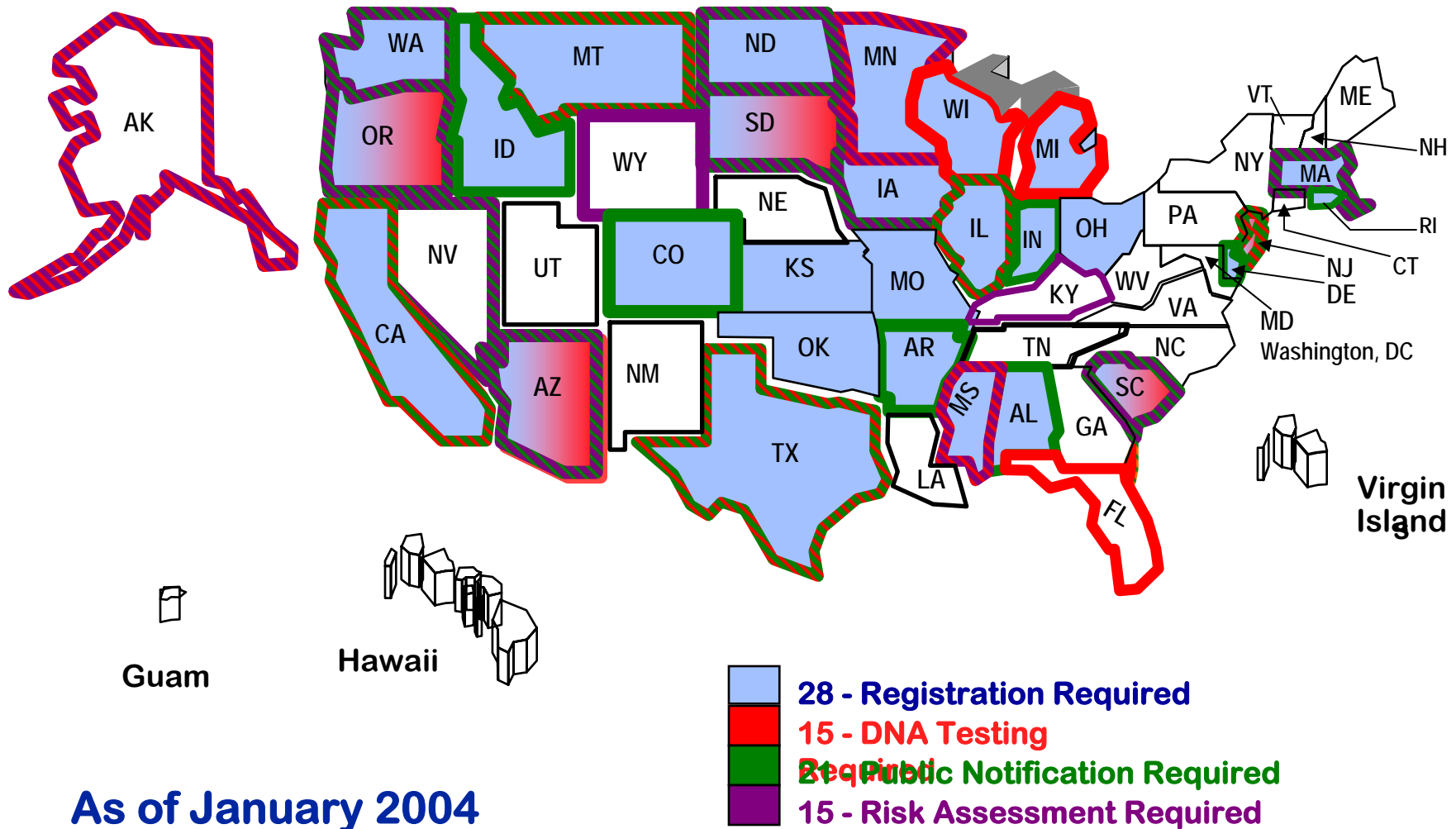
- **Home Evaluations: 45 – 60 Days is an Average Timeframe to Expect a Response. (AJCA Rule 4-102)**
 - ❖ **Exception: Emergency Requests**
 - ◆ **Most states will work to accommodate a sending state's timeframe.**
- **Quarterly Progress Reports are Required. (AJCA Rule 4-105)**

KEY POINTS (continued)

Emergency Request Scenarios Include When:

- **A Violent/Sex Offender and Family Moves to Another State.**
- **A Juvenile Absconds to the Home of a Parent or Relative in Another State, and an Evaluation is Needed Prior to Making a Decision to Return.**
- **A Juvenile is Scheduled for the Dispositional Hearing in Seven Days. An Out-of-State Relative Has Come Forward as an Alternative Placement.**

JUVENILE SEX OFFENDER LAWS as Applied to Incoming ICJ Cases



As of January 2004

Texas Sex Offender Registration Law

Sex Offenders Coming into Texas:

- Under Texas Law [Art. 62.02(a)], a person with a “reportable conviction or adjudication” for a sex offense, must register in Texas if they reside here for more than seven days.

KEY POINTS *(continued)*

- **Supervision Fees:**

Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
(AJCA Rule 4-105)

- **Restitution:**

Supervision for the sole purpose of collecting restitution is not a justifiable reason to continue to maintain an open ICJ case when all other terms and conditions of probation/parole have been completed.
(AJCA 4-109)

KEY POINTS *(continued)*

- All Interstate Communications Must Be With Texas ICJ. (Rule 4-102.1)
- **3** Complete, Separate Sets of a Referral Are Required. (AJCA Rule 4-102.2)
- The Receiving State Determines the Type and Quality of Supervision. This Determination is Governed by the Same Standards of Visitation and Supervision that Prevail for Its Own Delinquent Juveniles on Probation. (AJCA Rule 4-105)

KEY POINTS *(continued)*

- **The Sending State Determines the Age of Majority and Duration of Supervision. (AJCA Rule 4-105)**
- **The Sending State Is Financially Responsible for the Treatment Services Required by the Sending State. (AJCA Rule 4-105)**
- **The Sending State Has Sole Authority to Release Its Juveniles from Probation. (AJCA Rule 4-109)**

ICJ ARTICLE VII FAILED PLACEMENTS

- ❑ When juvenile is placed with custodial parent / legal guardian, a sending state *usually* will not return (*AJCA Rule 6-105.3*).
- ❑ When juvenile is *not* with custodial parent / legal guardian, receiving state can demand juvenile's return to sending state (*AJCA Rule 6-105.4*).

New Charges in Receiving State

- **When Felony Charges are Pending in the Receiving State and the Supervising JPO Requests the Juvenile's Return to Texas, an Adjudication Order or Fact Finding Hearing Can Be Used for Progressive Sanctions.**
- **When Adjudication is Required in the Receiving State, the Disposition Must Read, "Return to Texas." Disposition of an Order Cannot be Transferred from State to State.**
- **Texas ICJ does NOT have funds to return "failed placements" to Texas.**

ICJ ARTICLE X VERSUS ICPC ARTICLE VI

- ❑ ICJ Article X permits interstate placement of delinquent juveniles only in *public* facilities.
- ❑ **ICPC Article VI – covers interstate placement of delinquent juveniles in any institution, whether public or private.**
- ❑ **Send ICPC Referrals to:**
 - Carol Wilkinson**
 - Deputy Compact Administrator**
 - Interstate Compact on the Placement**
 - of Children (ICPC)**
 - P. O. Box 149030**
 - Austin, Texas 78714-9030**
 - Phone: (512) 438-5918**
 - Carol.Wilkinson@dfps.state.tx.us**

ICJ VOLUNTARY RETURNS

- Article VI – Voluntary Return – is the process most commonly used to return runaways, absconders, escapees, and juveniles charged as delinquent.
 - **Due Process:**
 - ✓ **Juvenile Rights and ICJ Form III, Voluntary Consent to Return Form.**
- **Article VI is used with the Runaway Amendment (for those states signatory).**
- **Home / Demanding State Has 5 Days to Return Once Due Process Rights Have Been Met.**

ICJ Form III

Judge in the Holding / Asylum State:

- May Appoint a Guardian Ad Litem
- Inform Juvenile of His/Her Rights
- Sign the Form After the Juvenile Has Signed
- Determine Juvenile's Risk to Return Unaccompanied.
- If Juvenile Deemed Unsafe to Return Alone, Provide Documentation to ICJ.

Judge in Home / Demanding State:

- Will Make Final Decision on How Juvenile Will Be Returned.

Issues / Key Points

■ Detention Issues

- **AJCA Rule 6-113.2- a holding state shall not be reimbursed for detaining juveniles under the ICJ provisions unless the home/demanding state does not demonstrate a good faith effort. (AJCA Rule 6-113.2)**
- **Texas Family Code, Chapter 54.011(e) – Provides for detaining a status offender in secure detention up to five days in accordance with ICJ.**

Voluntary Consent

Return Arrangements

- * Many Runaways and Absconders are Returned to the Home State Unescorted via Commercial Airliner.**
- * Airport Supervision Services Can Be Accessed at Most Major Airports. This Service Helps to Ensure the Safe Return of these Juveniles. (AJCA Rule 6-114)**
- * Juveniles Who Are Considered a Danger to Themselves and/or Others Are to be Returned By Escort. (AJCA Rule 6-110)**

ICJ NON-VOLUNTARY RETURNS

- **The Following Articles / Amendment Provide for Due Process by Requisition Procedures for Those Juveniles Who Either Refuse to Voluntarily Return or Whose Whereabouts Are Known But Not In Custody:**
 - **Article IV: Return of Runaways**
 - **Article V: Return of Escapees and Absconders**
 - **Rendition Amendment: Juveniles Charged As Delinquent (valid between states that are signatory) – Can be Used:**
 - ❖ **Between Two or More States**
 - ❖ **In Cold Case Investigations / Returns**

Requisitions – Key Points

- **The Juvenile System’s Equivalent to Governor’s Warrant in Adult System.**
- **Requisitions Are:**
 - **From Judge in Home / Demanding State,**
 - ❖ **With One Exception:**
 - **Juvenile Correctional Agencies – for Absconders and Escapees**
 - **To Judge in Holding / Asylum State**
- **Must be Accompanied by Certified True Copies of Documents Verifying Juvenile’s Legal Status.**
- **The Judge in the Holding / Asylum State is Responsible for Ensuring that the Requisition is in Order.**

THE RETURN

- **The Requisitioning State is Responsible for the Juvenile's Return. (AJCA Rule 6-109)**
- **Public Safety is a Top Consideration. (AJCA Rule 6-110)**
- **Escorted Return is Required for Juveniles who are Requisitioned. (AJCA Rule 6-110)**