



**Administrative Policies and Procedures: 12.5**

<b>Subject:</b>	<b>Passes for Youth Adjudicated Delinquent</b>
<b>Authority:</b>	TCA 37-5-105(3); 37-5-106
<b>Standards:</b>	<b>ACA:</b> 4-JCF-3A-17, 4-JCF-5I-01, 4-JCF-5I-03, 4-JCF-5I-05; <b>DCS Practice Standards:</b> 5-500; 8-306
<b>Application:</b>	To All Department of Children's Services Employees and Private Provider Employees
<b>Policy Statement:</b>	
Youth who have been committed to the Department of Children's Services (DCS) on an adjudication of delinquency must meet criteria established by each program to be eligible for passes. Passes are considered in the development of each youth's individual treatment plan. Objectives or tasks assigned the youth while on pass are monitored. The committing court must be consulted prior to granting passes. Passes differ from visitation as they can be restricted.	
<b>Purpose:</b>	
To provide guidelines for compliance with established criteria in granting passes to delinquent youth.	
<b>Procedures:</b>	
<b>A. Private provider agencies</b>	<ol style="list-style-type: none"> <li>1. Delinquent youth in private provider agencies, foster care, or Independent Living programs must have the opportunity to practice new skills in their home environment.</li> <li>2. Residential treatment teams and the youth's Family Service Worker (FSW) must determine when passes are appropriate and the duration of such passes.</li> <li>3. The committing court must be consulted and approval obtained prior to any proposed pass. If the court declines to approve or disapprove the pass, the FSW's Team Leader (TL) and/or Team Coordinator (TC) must be consulted to approve or deny the pass.</li> <li>4. Youth who remain in assessment placements for periods in excess of thirty (30) working days may be considered for passes if their behavior has been appropriate.</li> <li>5. Youth granted passes retain their pass eligibility if transferred to a new placement. If a transfer is due to the negative behavior of a youth, the Child and Family Team (CFT) will determine pass eligibility.</li> </ol>

<p><b>B. Delinquent youth with determinate commitment sentences placed in private provider agencies</b></p>	<ol style="list-style-type: none"> <li>1. Delinquent youth residing in private provider agencies who received a determinate commitment will be eligible for consideration for passes upon completion of fifty percent (50%) of the commitment or 120 days, whichever is less, based upon the commitment expiration date calculated upon admission.</li> <li>2. The committing court must approve all pass requests.</li> </ol>
<p><b>C. Passes for youth in Youth Development Centers (YDC)</b></p>	<ol style="list-style-type: none"> <li>1. In order to be eligible for a pass, youth placed in a YDC must be in pre-release status and within forty-five (45) days of release.</li> <li>2. Youth in YDC's with the following committing offenses, will <u>not</u> be considered for passes unless ordered by the committing court:               <ol style="list-style-type: none"> <li>a) First degree murder;</li> <li>b) Conspiracy to commit murder;</li> <li>c) Second degree murder;</li> <li>d) Aggravated kidnapping;</li> <li>e) Especially aggravated robbery;</li> <li>f) Aggravated rape;</li> <li>g) Aggravated arson;</li> <li>h) Solicitation for first degree murder;</li> <li>i) Aggravated robbery;</li> <li>j) Rape;</li> <li>k) Aggravated sexual battery;</li> <li>l) Aggravated child abuse;</li> <li>m) Kidnapping; and</li> <li>n) The attempt to commit any of the above offenses.</li> </ol> </li> <li>3. The Regional Administrator/designee, Deputy Commissioner of Juvenile Justice/designee and the committing court must approve any <u>exceptions</u> to the above requirement.</li> </ol>
<p><b>D. Coordination of pass requests</b></p>	<ol style="list-style-type: none"> <li>1. Requests for passes will be made at least ten (10) working days prior to the proposed pass. For youth in private provider agencies or YDCs, the Facility Case Manager will provide the FSW with information pertinent to the pass request. The information to be provided includes:               <ol style="list-style-type: none"> <li>a) A brief current progress report and case notes documenting progress;</li> <li>b) Beginning date and duration of the proposed pass;</li> <li>c) Who will supervise the youth on pass and where the youth will be while on pass (address, telephone number); and</li> </ol> </li> </ol>

	<p>d) Any special conditions or tasks to be followed while on pass.</p> <ol style="list-style-type: none"> <li>2. If the youth has been committed as delinquent, the FSW will present the pass request to the committing judge through the court liaison. Once the court has either approved or denied the pass request, the assigned Facility Case Manager at the YDC or private provider are notified of the court's decision.</li> <li>3. Each pass is approved in such a manner unless the committing court has made a provision for "blanket" pass approval <u>for an individual youth</u>. If the committing court declines to take action on a pass request, and indicated that the court neither approves nor disapproves the pass, the decision is determined by the CFT. It is the team's responsibility to ensure continued contact between the child/youth and his/her family.</li> <li>4. Monitoring and follow-up on passes is the joint responsibility of the Private Provider Agency, Facility Case Manager and the FSW.</li> <li>5. The child/youth's behavior, other significant issues concerning parent activities and completion of specific treatment related tasks, will be discussed with the child/youth and parents. Any significant information related to the pass will be documented on the appropriate screens in <b>TFACTS</b> and shared as needed.</li> <li>6. Children/youth will be allowed passes in the temporary physical custody of their parents, guardians and other approved relatives, approved prospective adoptive parents or approved foster parents.</li> <li>7. All persons accepting temporary physical custody of a child/youth must be properly identified. Persons accepting temporary custody of a youth from a DCS facility will be advised, in writing, of their responsibility and must sign form <b>CS-0058, Temporary Custody Agreement</b>.</li> </ol>
<p><b>E. Types of passes covered by this policy</b></p>	<ol style="list-style-type: none"> <li>1. <b>Day Pass</b> <ol style="list-style-type: none"> <li>a) An authorized visit that does not exceed eight (8) hours. The child/youth is not required to remain at the facility but may not travel beyond a fifty-mile radius from the facility/program location. A day pass may be for emergencies and routine visitation.</li> <li>b) If a youth in a YDC is informed in a timely manner of a verifiable death or critical illness of an immediate family member, the Superintendent/designee <u>may</u> approve for the youth to be escorted to visit the sick family member or attend the funeral.</li> </ol> </li> <li>2. <b>Day Pass to Home</b> <p>An authorized home visit that does not exceed twelve (12) hours. Approved resource and child/youth may leave the county in which the facility/program is located. A day pass to home may be granted for emergency situations, and for routine visitation.</p> </li> <li>3. <b>Over Night Pass</b> <p>An authorized visit that does not exceed forty-eight (48) hours to the home of the parent, guardian, or visiting resource. An over night pass may be granted for</p> </li> </ol>

	<p>emergency situations, and for routine visitation.</p> <p><b>4. Extended Over Night Pass</b></p> <p>An authorized visit that may exceed forty-eight (48) hours to the home of the parent, guardian, or visiting resource. Examples of this type of pass would be extended holiday visits and bereavement passes. An extended overnight pass may be authorized for emergency situations, and for routine visitation.</p> <p><b>5. Medical Pass</b></p> <p>A medical pass is authorized by the YDC Health Services Coordinator for youth to obtain medical treatment or evaluation of such duration as is medically appropriate.</p> <p><b>6. Out-of-State Passes</b></p> <p>Out-of-state passes will be allowed as approved in the individual program plan (IPP), permanency plan, adoption assistance plan, or in case of unanticipated emergency situations. Out-of-state passes for forty-eight (48) hours or more will require the completion of the <b><i>Interstate Compact on Juveniles (ICJ) Out-of-State Travel Permit</i></b> form and the approval of the FSW's Team Leader or Team Coordinator and the Court. Once the out-of-state travel is approved locally, the travel permit form must be faxed to the DCS ICJ Deputy Compact Administrator. A travel permit may be issued for up to thirty (30) days. If the pass exceeds thirty (30) days, the FSW will send specific supervision instructions for the juvenile to maintain contact with the FSW in Tennessee. (Refer to the <a href="#"><u>Interstate Compact for Juveniles (ICJ) Practices and Procedures Manual</u></a> for further information on ICJ Travel Permits.)</p> <p>7. Information on the ICJ Travel Permit will include:</p> <ul style="list-style-type: none"> <li>a) Name, address and phone number of the party accompanying the youth;</li> <li>b) Date and time of departure;</li> <li>c) Mode of transportation (if by automobile, include make, model and tag number);</li> <li>d) Date and time youth is scheduled to return;</li> <li>e) Reason(s) for the necessity of the pass; and</li> <li>f) Mode of transportation (if by automobile, include make, model and tag number).</li> </ul>
<p><b>F. Clarification of the difference between visitation and passes</b></p>	<ul style="list-style-type: none"> <li>1. Delinquent youth have the right to have visitation from their families at their placement according to DCS policy <a href="#"><u>26.2-DOE Youth Development Center Visitation/Visitor Control</u></a>, and the <a href="#"><u>Provider Policy Manual</u></a>.</li> <li>2. Delinquent youth that also has a sibling in custody; staff must arrange for visitation between siblings and comply with DCS policy <a href="#"><u>16.43 Supervised and Unsupervised Visitation between Child-Youth, Family and Siblings</u></a>.</li> </ul>

	<ol style="list-style-type: none"><li>3. Passes may be restricted if there are therapeutic reasons for denial.</li><li>4. Violation of program rules while on pass may result in postponement or cancellation of the pass, due to the severity of the violation.</li><li>5. Consult the youth's FSW regarding any change in plans for approved passes.</li><li>6. Approval is denied if a youth has committed a major violation of program rules.</li></ol>
<b>G. Exceptions</b>	The Commissioner/designee must approve in writing any exceptions to this policy.

<b>Forms:</b>	<p><a href="#"><u>CS-0058, Temporary Custody Agreement</u></a></p> <p><a href="#"><u>CS-0394, Youth Pass Request</u></a></p> <p><a href="#"><u>Interstate Compact on Juveniles (ICJ) Out of State Travel Permit and Agreement to Return</u></a></p>
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<b>Collateral documents:</b>	<p><a href="#"><u>ICJ Practices and Procedures Manual</u></a></p> <p><a href="#"><u>Determinate Commitment Sentence Manual</u></a></p>
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**Glossary:**

Term:	Definition:
<b>Contract Agency:</b>	An entity that contracts with DCS to operate and manage residential group homes, foster homes, youth centers or provide other required services (also referred to as “provider agency”).
<b>Interstate Compact for Juveniles (ICJ) Out-of-State Travel Permit:</b>	Written permission granted to a juvenile authorizing the juvenile to temporarily travel from one state to another.
<b>Pass:</b>	Any authorized absence by a delinquent youth from his/her placement without staff supervision.
<b>Visitation:</b>	Regular contact between a child/youth and his/her parents as mandated and defined by federal foster care legislation. Any dependent/neglected, unruly or delinquent child/youth placed in foster care must be granted an opportunity for a minimum of four (4) hours visitation each month, which may be supervised or unsupervised. <b>Note:</b> Any visitation that involves a return to the home community for a period of time and is <u>unsupervised</u> by program staff, the consent of the committing court is required, unless the court has declined or failed to exercise the decision making in regard to home passes. <u>TCA §37-5-106 (4)</u> .



**State of Tennessee**  
**Department of Children's Services**

***THE INTERSTATE COMPACT FOR JUVENILES***  
***INTERSTATE COMMISSION FOR JUVENILES***  
***PRACTICES AND PROCEDURES MANUAL 2010***  
***Division of Juvenile Justice***

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**Effective Date March, 2010**



**Interstate Commission for Juveniles**

**Serving Juveniles While Protecting Communities**



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## **History and Purpose of Prior Interstate Compact on Juveniles**

Years ago, long trains filled with children and youth traveled eastward from California, retracing the routes the same juveniles had taken in preceding months to run away. These special trains went from state to state, delivering cargoes of youth to their homes. A reporter who went along on one of them called it "*the heartbreak train.*"

These trains were loaded with young people who had answered the time-honored call to "go west." Many were adventurous runaways and without any means of support. They were sent home from California because they had become victims of unscrupulous adults or had become involved in delinquency or crime to obtain food or shelter.

Back in 1954, the plight of the runaway was given nationwide publicity by a series of *Parade Magazine* articles entitled "Nobody's Children." As a sequel to the series and their own recognition that action was required, various organizations sought to develop remedial legislation. Efforts were directed toward formulating interstate procedures to permit the return of runaways, absconders and escapees who were found in other states, and also for a system under which juvenile offenders could be supervised in other states.

The Council of State Governments, with the assistance of many other groups, undertook the daunting effort to draft a compact to meet these needs. Among the organizations, which worked with the Council on this task, were the National Probation and Parole Association, the United States Children's Bureau, the Senate Subcommittee on Juvenile Delinquency, the National Association of Attorneys General, and the Parole and Probation Compact Administrators Association.

The successful operation of the Interstate Compact on the Supervision of Parolees and Probationers (Adult Compact) served to encourage the compact approach for interstate action on juvenile problems. This compact came about after the U.S. Congress authorized the Crime Control Consent Act in 1934.

The final draft of the ICJ was approved in 1955, and the first organizational meeting of the Compact Administrators was held in 1956. By 1986, all 50 states, the District of Columbia, Virgin Islands and Guam had ratified the Interstate Compact on Juveniles

The ICJ is comprised of a basic compact, 15 articles, and three optional amendments, the Runaway, Rendition and Out-of-State Confinement. The amendments are effective only between those states that have ratified the specific enabling legislation. The ICJ provides the procedures in requesting supervision of probationers and parolees in a state other than the state of adjudication. It also provides procedures for the return of youth who have absconded, escaped, or run away.

With the advent of the ICJ, heartbreak trains ceased to exist. Young people in such difficulties are sent or taken home by means of the ICJ, which was established to do this job as expeditiously as possible. Individual arrangements are made for each youth.

**Information about the prior Association of Juvenile Compact Administrators:**

The governor of each state appoints an official to serve as the ICJ administrator. Compact Administrators are responsible for the daily administration of the ICJ in their states. They are also responsible for meeting with their peers to promulgate rules and regulations to enhance the operations of the ICJ. The national Association of Juvenile Compact Administrators (AJCA) was established in 1956 for this purpose. Acting jointly, the compact administrators meet for training, problem resolutions, and proposals for improvement of ICJ. The rules and regulations are promulgated and approved by the AJCA by a two-thirds majority of the members present and voting at the annual meetings. These rules and regulations have the same force and effect as law.

**The governor is hereby authorized and directed to execute a contract on behalf of this state with any state or states legally joining therein in the form substantially as follows:**

**Articles:**

**THE INTERSTATE COMPACT ON JUVENILES:**

**Article I. Purpose**

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that congress, by enacting the Crime Control Act, codified in 4 U.S.C. § 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

- (A)** Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;
- (B)** Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;
- (C)** 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;
- (D)** Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;
- (E)** Provide for the effective tracking and supervision of juveniles;
- (F)** Equitably allocate the costs, benefits and obligations of the compacting states;
- (G)** Establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;
- (H)** Insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;
- (I)** Establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;
- (J)** Establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators;
- (K)** Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance;
- (L)** Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and
- (M)** Coordinate the implementation and operation of the compact with the Interstate Compact on the Placement of Children, compiled in part 2 of this chapter, the Interstate Compact on

Supervision of Adult Offenders, compiled in title 40, chapter 28, part 4, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

It is the policy of the compacting states that the activities conducted by the interstate commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

## **Article II. Definitions.**

As used in this compact, unless the context clearly requires a different construction:

- A.** "By-laws" means those bylaws established by the interstate commission for its governance, or for directing or controlling its actions or conduct;
- B.** "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact;
- C.** "Compact administrator" means 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;
- D.** "Compacting state" means any state which has enacted the enabling legislation for this compact;
- E.** "Court" means any court having jurisdiction over delinquent, neglected, or dependent children;
- F.** "Deputy compact administrator" means 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;
- G.** "Interstate commission" means the interstate commission for juveniles created by Article III of this compact;
- H.** "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including:
  - (1)** Accused delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;
  - (2)** Adjudicated delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;
  - (3)** Accused status offender - a person charged with an offense that would not be a criminal offense if committed by an adult;
  - (4)** Adjudicated status offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and
  - (5)** Non-offender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent;
- I.** "Non-compacting state" means any state which has not enacted the enabling legislation for this compact;

**J.** “Probation or parole” means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states;

**K.** “Rule” means a written statement by the interstate 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, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule; and

**L.** “State” means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

### **Article III. Interstate Commission for Juvenile:**

**A.** The compacting states hereby create the Interstate Commission for Juveniles. The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

**B.** The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

**C.** In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact on Supervision of Adult Offenders, compiled in title 40, chapter 28, part 4, Interstate Compact on the Placement of Children, compiled in part 2 of this chapter, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the interstate commission shall be ex-officio (non-voting) members. The interstate commission may provide in its bylaws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

**D.** Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

**E.** The commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

**F.** The interstate commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking and/or

amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and interstate commission staff; administer enforcement and compliance with the provisions of the compact, its bylaws and rules, and perform such other duties as directed by the interstate commission or set forth in the bylaws.

**G.** Each member of the interstate commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

**H.** The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

**I.** Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and any of its committees may close a meeting to the public where it determines by two-thirds (2/3) vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing any person of a crime, or formally censuring any person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes;
7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;
8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or
9. Specifically relate to the interstate commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

**J.** For every meeting closed pursuant to this provision, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

**K.** The interstate commission shall collect standardized data concerning the interstate

movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

**Article IV. Powers and Duties of the Interstate Commission:**

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states;
2. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;
3. To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission;
4. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
5. To establish and maintain offices which shall be located within one or more of the compacting states;
6. To purchase and maintain insurance and bonds;
7. To borrow, accept, hire or contract for services of personnel;
8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;
9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel;
10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;
11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed;
12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed;
13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact;
14. To sue and be sued;
15. To adopt a seal and bylaws governing the management and operation of the interstate commission;
16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact;
17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by

the interstate commission;

**18.** To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity;

**19.** To establish uniform standards of the reporting, collecting and exchanging of data; and

**20.** The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

## **Article V. Organization and Operation of the Interstate Commission.**

### **Section A. Bylaws:**

**1.** The interstate commission shall, by a majority of the members present and voting, within twelve (12) months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

**a.** Establishing the fiscal year of the interstate commission;

**b.** Establishing an executive committee and such other committees as may be necessary;

**c.** Provide for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission;

**d.** Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

**e.** Establishing the titles and responsibilities of the officers of the interstate commission;

**f.** Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;

**g.** Providing start-up rules for initial administration of the compact; and

**h.** Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

### **Section B. Officers and Staff:**

The commission shall have the following powers and duties:

**1.** The interstate commission shall, by a majority of the members, elect annually from among its members a chair and a vice-chair, each of whom shall have such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided, that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

**2.** The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the interstate commission.

**Section C. Qualified Immunity, Defense and Indemnification:**

1. The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
3. The interstate commission shall defend the executive director or the employees or representatives of the interstate commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
4. The interstate commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the interstate commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

**Article VI. Rulemaking Functions of the Interstate Commission:**

- A. The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.
- B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the Model State Administrative Procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States supreme court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as

approved by the commission.

**C.** When promulgating a rule, the interstate commission shall, at a minimum:

- 1.** Publish the proposed rule's entire text stating the reason(s) for that proposed rule;
- 2.** Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;
- 3.** Provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and
- 4.** Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

**D.** Allow, not later than sixty (60) days after a rule is promulgated, any interested person to file a petition in the United States district court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

**E.** If a majority of the legislatures of the compacting states rejects a rule; those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

**F.** The existing rules governing the operation of the Interstate Compact on Juveniles superseded by this act shall be null and void twelve (12) months after the first meeting of the interstate commission created hereunder.

**G.** Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption; provided, that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

## **Article VII. Oversight, Enforcement and Dispute Resolution by the Interstate Commission:**

### **Section A. Oversight:**

**1.** The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

**2.** The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

**Section B. Dispute Resolution:**

1. The compacting states shall report to the interstate commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.
2. The interstate 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.
3. The interstate 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 this compact.

**Article VIII. Finance.**

- A. The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
- B. The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.
- C. The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
- D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

**Article IX. The State Council:**

Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in interstate commission activities

and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

**Article X. Compacting States, Effective Date and Amendment:**

**A.** Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

**B.** The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five (35) of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

**C.** The interstate commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

**Article XI. Withdrawal, Default, Termination and Judicial Enforcement.**

**Section A. Withdrawal.**

1. 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.

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

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

4. 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 extend beyond the effective date of withdrawal.

5. 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 interstate commission.

**Section B. Technical Assistance, Fines, Suspension, Termination and Default.**

1. If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the interstate commission may impose any or all of

the following penalties:

- a. Remedial training and technical assistance as directed by the interstate commission;
  - b. Alternative dispute resolution;
  - c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission; and
  - d. Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council. 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, the bylaws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall 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 termination.
2. 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, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.
  3. 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.
  4. The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.
  5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission pursuant to the rules.

### **Section C. Judicial Enforcement:**

The interstate commission may, by majority vote of the members, initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, 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 attorney's fees.

**Section D. Dissolution of Compact:**

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one (1) compacting state.
2. 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 interstate commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

**Article XII. Severability and Construction:**

- A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
- B. The provisions of this compact shall be liberally construed to effectuate its purposes.

### **Article XIII. Binding Effect of Compact and Other Laws:**

#### **Section A. Other Laws:**

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.
2. All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

#### **Section B. Binding Effect of the Compact:**

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the compacting states.
2. All agreements between the interstate commission and the compacting states are binding in accordance with their terms.
3. Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.
4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

#### **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.

**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 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:

- [\*ICJ Form A-Petition for Requisition to Return a Runaway Juvenile – 2010\*](#)
- [\*ICJ Form IA VI-Application for Services and Waiver – 2010\*](#)
- [\*ICJ Form I-Requisition for Runaway Juvenile - 2010\*](#)
- [\*ICJ Form II-Requisition for Escapee or Absconder - 2010\*](#)
- [\*ICJ Form III-Consent for Voluntary Return by Runaway Escapee or Absconder – 2010\*](#)
- [\*ICJ Form IV-Parole or Probation Investigation Request – 2010\*](#)
- [\*ICJ Form V-Report of Sending State upon Parolee or Probationer – 2010\*](#)
- [\*ICJ Form IX-Quarterly Progress Report – 2010\*](#)
- [\*ICJ Form X Interstate Compact for Juveniles Commission Annual Report\*](#)
- [\*ICJ Home Evaluation Report – 2010\*](#)
- [\*ICJ-Out of State Travel Permit and Agreement or Return – 2010\*](#)

Applications prepared on other than officially approved forms may be returned for revision.

*History: Deferred adoption December 3, 2009*

**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***

**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***

**AGE MATRIX**

**Age of Majority, Maximum Ages on Probation and Parole/Aftercare**

**Interstate Compact For Juveniles Manual - 2010**

<b>STATE</b>	<b>A</b>	<b>B</b>	<b>C</b>
Alabama	18	21	21
Alaska	18	19	-
Arizona	18	18	18
Arkansas	18	21	21
California	18	21	25
Colorado	18	21	21
Connecticut	16	18	18
Delaware	18	19*	19*
Florida	18	19*	19*
Georgia	17	21	21
Hawaii	18	20	20
Idaho	18	21	21*
Illinois	17	21	21
Indiana	18	18	21
Iowa	18	18*	18*
Kansas	18	23	23
Kentucky	18	18	18*
Louisiana	17	21	21
Maine	18	18*	18*
Maryland	18	21	21
Massachusetts	17	16	21
Michigan	17	21	21
Minnesota	18	19	19*
Mississippi	18	18	18
Missouri	17	21	21
Montana	18	21	18
Nebraska	19	19	19

<b>STATE</b>	<b>A</b>	<b>B</b>	<b>C</b>
Nevada	18	21	21
New Hampshire	17	18	17
New Jersey	18	21	*
New Mexico	18	21	21
New York	18	18	18*
North Carolina	18*	17	17*
North Dakota	18	20	21
Ohio	18	21	21
Oklahoma	18	21	21
Oregon	18	23	25
Pennsylvania	18	21	-
Rhode Island	18	21	21
South Carolina	16	18	21
South Dakota	18	21	21
Tennessee	18	19	19
Texas	18	18	21
Utah	18	21	21
Vermont	18	21	-
Virginia	18	21	21
Washington	18	21	21
West Virginia	18	21	21
Wisconsin	18	18	25
Wyoming	18	21	-
<b>JURISDICTION</b>			
D.C.	18	18	21
Guam	18	21	-
Virgin Islands	18	18	-

**Key of Age Matrix:**

A - Age of Majority

B - Maximum Age on Probation

C - Maximum Age on Parole/Aftercare

(-) - No parole in this state.

\* AZ - Most commonly, age 18, but age can vary depending on offense.

\* DE - Can be extended to age 21, but would be court jurisdiction.

\* FL - Can hold until age 21 if specifically stated in court order.

\* IA - Probation and Parole ends at age 18. However, if juvenile is 17 years old at disposition, the term could go to age 19.5.

\* ID - Idaho does not have parole for juveniles. However, once a committed youth is released from custody of the state, he or she returns to the jurisdiction of the committing court, which may or may not order aftercare probation.

\* KY - Unless otherwise noted.

\* ME - Unless committed to E.J.J., in which case the age would be 21.

\* NJ - NJ SPB determines discharge of parole supervision based on the juvenile's term rather than age.

\* NY - Age 21 for certain offenses.

\* NC - Age 16 for criminal offenses; Aftercare is a minimum of 3 months and a maximum of 12 months.

**ICJ Statutory References as of Sept. 2008 State Statute**

Alabama Ala. Code § 44-2-10
Arizona ARS § 8-360
Arkansas ACA § 9-29-401
Colorado CRS § 24-60-702
Connecticut Con. Gen. Stat. § 46b-151h
Delaware 31 Del.C. § 5203
Florida F.S.A. § 985.802
Idaho Idaho Code § 520116-1901
Illinois Senate Bill 2821 (2008)
Kansas KSA § 38-1008.
Kentucky KRS § 615.010
Louisiana CHC §1661
Maine 34-A M.R.S.A. §§ 9901 et. seq.
Maryland Code, Human Services, §§ 9-301 et. seq.
Michigan MCLA § 3.692
Missouri Mo. Rev. Stat. § 210.570
Montana M.C.A. § 41-6-101
Nevada NRS § 62I.015
New Jersey N.J.S.A. 9:23B-1
New Mexico NMSA § 32A-10-9
North Carolina N.C. Gen. Stat. § 7B-4001
North Dakota ND Cen Code § 12-66-01
Oklahoma O. S. A. §10-7309-1.2.
Pennsylvania 11 P.S. §§ 890.2
Rhode Island RI Gen Laws § 14-6.1-1
South Carolina SC Code § 20-7-8800
South Dakota SDCL § 26-12-15
Tennessee Senate Bill 4143 (2008)
Texas T.C.A. § 60.010
Utah UCA § 55-12-100
Virginia VCA § 16.1-323.
Washington WRC § 13.24.011
West Virginia WVCA § 49-8A-1.
Wisconsin WSA §938.999
Wyoming W.C.A. §14-6-102

### Supervision Request Flow Chart

<p><b>Step 1. Local Sending Court or Case Manager →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Completes ICJ Forms IAVI, IV and V, (ICJ form V should be completed on probation cases and parole (aftercare) cases).</li> <li>2. Compiles necessary accompanying documents. This includes cover letter, order of adjudication, order of disposition, conditions/rules of probation/parole (aftercare), legal and social history, function assessments, youth and family intervention agreement, school records and all other pertinent information.</li> <li>3. Submits ICJ packet to Sending State ICJ Office in triplicate (3 copies).</li> </ol>
<p><b>Step 2. Sending State Compact Administrator →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Reviews ICJ forms for completion.</li> <li>2. Reviews materials for necessary documents. If documentation is omitted, obtain from sending court or worker.</li> <li>3. Sets up a file and record the youth information in computer database.</li> <li>4. Forward packet to Receiving State ICJ Office in duplicate (2 copies).</li> </ol>
<p><b>Step 3. Receiving State Compact Administrator →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Reviews ICJ packet for completeness.</li> <li>2. Submits request to local receiving court or worker for assessment (home evaluation/home study)/supervision.</li> </ol>
<p><b>Step 4. Local Receiving Court or Worker →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Reviews materials.</li> <li>2. Visits family.</li> <li>3. Completes assessment/home evaluation/home study.</li> <li>4. Recommends acceptance or denial of supervision.</li> <li>5. Submits written report and decision to Receiving State ICJ Office in triplicate (3 copies).</li> </ol>
<p><b>Step 5. Receiving State Compact Administrator →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Receives written assessment/home evaluation/home study, and recommendation.</li> <li>2. Accepts or rejects supervision.</li> <li>3. Sends report and notifies Sending State ICJ Office of acceptance or denial in duplicate.</li> </ol>
<p><b>Step 6. Sending State Compact Administrator →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Reviews report of acceptance or denial.</li> <li>2. Notifies sending court or worker of the decision.</li> </ol>
<p><b>Step 7. Local Sending Court or Case Manager →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Receives home evaluation and acceptance/ denial of supervision report.</li> <li>2. Notifies youth/family of results of the report. If appropriate, prepares arrival packet in triplicate. The arrival packet should be sent at least two weeks in advance of youth's travel.</li> <li>3. Notifies, through interstate channels, placement plans, transportation arrangements, and case status.</li> </ol>
<p><b>Step 8. Sending State Compact Administrator →</b></p> <p>↓</p>	<ol style="list-style-type: none"> <li>1. Receives travel arrangements from local court or case manager.</li> <li>2. Notifies Receiving State ICJ Office of travel plans.</li> <li>3. The packet consists of: ICJ Form V, school releases or GED, progress summary parole objectives and recent photograph.</li> </ol>

## SAMPLE COVER LETTER



STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES  
436 6<sup>th</sup> Ave. North  
Nashville, TN 37243

July 1, 2009

Mrs. Sherry Bolden Rivers  
Deputy Compact Administrator ICJ  
9<sup>th</sup> Floor, Cordell Hull Building  
436 6<sup>th</sup> Avenue, North  
Nashville, TN 37243-1290

RE: Joe Youth  
Age: 16 DOB: 6/6/85  
SS#: 123-45-6789

Mrs. Bolden Rivers,

On July 20, 2005, the Davidson County Juvenile Court placed Joe on state probation (transferred from county probation) due to his move from the State of Tennessee to the State of Mississippi.

On April 26, 2005, the above-mentioned court placed Joe on supervised probation after finding him guilty of two counts of aggravated burglary. As further disposition he was ordered to undergo an alcohol and drug assessment and follow recommendations, participate in counseling as deemed appropriate by his probation officer and perform 15 sessions (60 hours) of public service work. He was also enjoined from Roderick Sims.

Frank currently resides with his father, Joe Youth, Sr., at 123 Main Street, Vicksburg, MS 39180. Their telephone number is 123-456-7890. Please request from state of Mississippi officials that they conduct a home evaluation and determine the feasibility of their providing cooperative supervision for the State of Tennessee.

Enclosed for forwarding to State of Mississippi are the following documents:

- Cover Letter
- ICJ forms IA/VI, IV and V.
- Petitions
- Order of adjudication and disposition
- Functional Assessment/Social History
- Rules of probation/parole (aftercare)
- Other pertinent documents such as police reports, evaluations ect..
- School records
- Immunizations records
- Youth and Family Intervention Agreement

Please further request from state of Mississippi officials that they obtain the appropriate signatures on ICJ form IA/VI and return the original for the judge's signature.

Respectfully,

### Procedures for Return of Runaways, Absconders and Escapees

Interstate Compact for Juveniles is responsible for the return of custodial and non-custodial juveniles. Interstate Compact for Juveniles also work with the return of non-delinquent juveniles who are not involved in the court system or not involved with the department. These juveniles are sometimes called "Straight Runaways" See ICJ Rule 6-101. Interstate Compact for Juveniles also work with the local counties courts that have come in contact with an out of state juvenile and have discovered that he or she has run away from his or her state.

1. When a Family Services Worker/Team Leader/Court Liaison is notified a juvenile has been located, picked up and detained in another state, he or she will notify the Deputy Compact Administrator and or Designee for Interstate Compact for Juveniles (ICJ) in Central Office immediately, but no later than the next business day, via telephone and or email. The Deputy Compact Administrator and or Designee will coordinate the return of the custodial and or non-custodial juvenile.
2. A juvenile located, picked up and detained in another state will be held until due process/ court hearing is given in front of a judge. If the juvenile agrees to voluntarily return to Tennessee, the juvenile will sign the [ICJ Form III](#) (***Consent for Voluntary Return by Runaway, Escapee or Absconder or Juvenile Charged as Delinquent***). Tennessee has five (5) working days to return the youth. This time period may be extended with the approval of both ICJ Offices (ICJ Rule 6-104 3).
3. These documents may be requested and must be faxed to the Deputy Compact Administrator and or Designee:
  - a) Commitment Order
  - b) Escape and/or Runaway Petition
  - c) Attachment/Arrest Order/Pick-up Order
  - d) Warrant
  - e) NCIC number or information
4. If the juveniles refuses to sign the [ICJ Form III](#), the Deputy Compact Administrator and or Designee will notify the Family Service Worker/Team Leader/Court Liaison to initiate the requisition to return the juvenile and advise on what documents to provide (*ICJ Rule-6-103*).
5. If an out-of-state juvenile is apprehended in Tennessee and DCS is notified, the person notified will obtain all available information and call the Deputy Compact Administrator and or Designee and provide:
  - a) The name and location of the youth.
  - b) Contact person, telephone number, county, and address where child is.
  - c) Available information on where the youth is wanted.
6. The Deputy Compact Administrator and or Designee will contact the other Interstate Compact Office in the state the juvenile is from to coordinate the return of the juvenile. The Deputy Compact Administrator and or Designee will inform the person who notified the Interstate Compact For

Juveniles Office the due process/court hearing procedures for the out of state juvenile. *ICJ Rule 6-102* applies if a juvenile agrees to return and *ICJ Rule 6-103* if the juvenile refuses to return.

**Non-Delinquent/Non-Custodial Juveniles Runaway Procedure:**

Tennessee Department of Children's Services local counties are responsible for working with the Interstate Compact for Juveniles Office in coordinating the return of non-delinquent juveniles who are on probation, who has violated probation or who has pending charges and warrants. Tennessee Department of Children's Services local counties will coordinate transportation arrangements either with legal guardians, parents, transportation unit, police/sheriff departments and Department of Children's Services employees in picking up the juvenile from local airports that will ensure safety of the public and the juvenile.

Sherry Bolden, Family Services Worker  
Case Manager III

**NOTE:** The 2009 Rules was published by: Interstate Commission For Juveniles in Lexington, KY updated on December 3, 2009 and will become effective on March 1, 2010.

Information from: The State Official Guide 2008.

Information from: The Council of State Government Website (CSG).

The ICJ Forms are located on the Department of Children's Services Intranet under Forms (Interstate Compact On (For) Juveniles Forms).

Interstate Compact For Juveniles Practices and Procedures Manual 2010 updated by Sherry Bolden Rivers , Deputy Compact Administrator, Tennessee Compact Commissioner, Division of Juvenile Justice, State of Tennessee, Department of Children's Services.

