

Interstate Compact for Juveniles
Statistics for 1-1-2023 through 10-30-2023

Travel Permits:

Leaving Oklahoma: 148

Coming to Oklahoma: 43

Transfer-of-Supervision Cases for Monitoring Youths:

Supervised for Oklahoma: 30

Supervised by Oklahoma: 122

Return Cases:

Leaving Oklahoma: 34 (with one still pending)

Coming back to Oklahoma: 21 (with two still pending)

2023 Interstate Compact Annual Business Meeting Highlights

1. Speakers

- a. Dr. LaMarr Shields spoke on the importance of self-care before caring for others.
- b. Maygan Martinez – youth who was dual custody and her struggles with overcoming homelessness. Motto: “Your experience doesn’t define you.”

2. Approved Rule Amendments

- a. Amendment to rule 1-101 removes the definition of ‘relocate’ from the rules; and included appropriate adjustments to rules 4-101 and 4-103
- b. Amendments to rule 4-104 include:
 - i. Amending the requirements for transfer of supervision (TOS) supervision replacing ‘may be denied’ to ‘shall be accepted unless’ and requires a detailed reason for the denial as allowed;
 - ii. Adding a #5 requiring approval of TOS supervision if there is no legal guardian in the sending state but does have one in the receiving state, and renumbering accordingly; and
 - iii. Amending # to require a Form V notification on a TOS case to the receiving state when the juvenile leaves the sending state.
- c. Amendments to rule 5-103 and creates 5-103A
 - i. Amends rule 5-103 by striking Failed Supervision from the title, and removes #4;
 - ii. Creates rule 5-103A by taking the removed language from above, modernizing as needed, and setting the requirements for Failed Supervision and the return of the youth to the sending state.
- d. Amendments to rule 7-106 creates a #8 adding solutions for emergency situations during travel, and amends #3 allowing for personal items during travel in select situations.
- e. Amendments to rule 7-107 adjusting the language on airport supervision.
- f. Amendments to rule 8-101, adjusted for the removal of the definition of ‘relocation’ and adding deferred adjudications



**State of Oklahoma
Office of Juvenile Affairs
State Council for Interstate Juvenile Supervision**

RESOLUTION

WHEREAS, the Governor, in accordance with Section 2-7-201 of Title 10A of the Oklahoma Statutes, appointed Jeffrey Cartmell to serve as Executive Director for the Office of Juvenile Affairs;

WHEREAS, pursuant to Section 2-9-115 of Title 10A of the Oklahoma Statutes and 377:10-5-5 of the Oklahoma Administrative Code, the Executive Director of the Office of Juvenile Affairs serves as the Compact Administrator and Commissioner for the State of Oklahoma;

WHEREAS, it may become necessary for Commissioner Cartmell to be absent from such meetings from time-to-time;

WHEREAS, in accordance with Section 2-9-104(G) of Title 10A of the Oklahoma Statutes, the Interstate Compact for Juveniles Act provides for the appointment of an alternate representative; and

WHEREAS, Robert Hendryx, serves as a function of his position with the Office of Juvenile Affairs as the Deputy Compact Administrator, possesses the background, knowledge, and experience to perform the duties of an alternate representative.

THEREFORE, BE IT RESOLVED by the Oklahoma State Council for Juvenile Supervision, that Deputy Compact Administrator Robert Hendryx is hereby approved as the Commissioner's authorized designated representative to the Interstate Commission for Juveniles, in the absence of Commissioner Cartmell, to cast a vote on behalf of the State of Oklahoma at any and all meetings not attended by Commissioner Cartmell.

Approved by the Oklahoma State Council for Juvenile Supervision this the 3rd day of November, 2023.

Jeffrey Cartmell, Commissioner and Compact Administrator

Attest:

Audrey Rockwell, Secretary



AGENDA

SHERATON SALT LAKE CITY
 SEPTEMBER 25 - 27, 2023 - MOUNTAIN STANDARD TIME

MONDAY SEPTEMBER 25, 2023

TIME	EVENT	LOCATION
1:00 PM	2023 EXECUTIVE COMMITTEE MEETING	ALTA-BRIGHTON
4:30 PM	PUBLIC HEARING ON PROPOSED RULE AMENDMENTS	SUNDANCE-SOLITUDE
5:45 PM	WELCOME RECEPTION	ZION

TUESDAY SEPTEMBER 26, 2023

TIME	EVENT	LOCATION
7:15 AM	BREAKFAST BUFFET (PROVIDED)	BRYCE BALLROOM
8:30 AM	WELCOME	ARCHES-CANYONS BALLROOM
9:15 AM	BREAK	
9:30 AM	RUNNING ON EMPTY: SELF CARE FOR THOSE WHO SERVE AND CARE FOR OTHERS	ARCHES-CANYONS BALLROOM
10:45 AM	BREAK	
11:00 AM	UNDERSTANDING PROPOSED AMENDMENTS TO ICJ RULES	ARCHES-CANYONS BALLROOM
12:00 PM	LUNCH (ON YOUR OWN)	
	NEW COMMISSIONER AND EXECUTIVE COMMITTEE LUNCHEON	DEER VALLEY
2:00 PM	EFFECTIVE STRATEGIES FOR TRAINING LOCAL OFFICIALS	ARCHES-CANYONS BALLROOM
3:30 PM	BREAK	
3:45 PM	REGION MEETINGS	EAST - SUNDANCE

3:45 PM	REGION MEETINGS	MIDWEST - SNOWBIRD SOUTH - SOLITUDE-POWDER MOUNTAIN WEST - ALTA-BRIGHTON
5:00 PM	END OF DAY	

WEDNESDAY SEPTEMBER 27, 2023

TIME	EVENT	LOCATION
7:15 AM	BREAKFAST BUFFET (PROVIDED)	ZION
8:30 AM	CONVENE GENERAL SESSION CALL TO ORDER FLAG PRESENTATION ROLL CALL OPENING REMARKS WELCOME ADDRESS APPROVAL OF AGENDA APPROVAL OF MINUTES	CAPITOL REEF BALLROOM (BRYCE-ARCHES-CANYONS)
9:00 AM	YOUTH SPEAKER	CAPITOL REEF BALLROOM
10:00 AM	BREAK	
10:30 AM	COMMITTEE REPORTS EXECUTIVE COMPLIANCE FINANCE INFORMATION TECHNOLOGY RACIAL DIVERSITY, EQUITY, AND INCLUSION TRAINING, EDUCATION, AND PUBLIC RELATIONS	CAPITOL REEF BALLROOM
11:30 AM	REGION REPORTS EAST REGION MIDWEST REGION SOUTH REGION WEST REGION LEGAL COUNSEL REPORT	CAPITOL REEF BALLROOM
12:00 PM	LUNCH (ON YOUR OWN)	
1:30 PM	RECONVENE RULES COMMITTEE REPORT	CAPITOL REEF BALLROOM
2:15 PM	BREAK	
2:30 PM	COLLABORATING WITH CHILD WELFARE AGENCIES	CAPITOL REEF BALLROOM
3:45 PM	BREAK	
4:00 PM	OLD BUSINESS NEW BUSINESS CALL TO THE PUBLIC	CAPITOL REEF BALLROOM

	ELECTION OF OFFICERS	
4:30 PM	ADJOURN	CAPITOL REEF BALLROOM
4:45 PM	NEW OFFICERS AND REGION REPRESENTATIVES WORK SESSION	NORTH STAR

AUDIO AND/OR VIDEO RECORDING MAY BE CONDUCTED THROUGHOUT

ICJ Rule Amendment Proposals Approved on September 27, 2023

Effective Date: April 1, 2024

Contents

- At-A-Glance Approved Proposals
- Approved Rule Amendment Proposals



Approved Rule Amendment Proposals

Effective Date: April 1, 2024

	Rule Number and Name	Submitter	Effect on other Rules & Advisory Opinions	UNITY Impact	FORMS Impact	FISCAL Impact
Section 100 Definitions						
1	1-101: Relocate	Rules Committee	Y	N	N	N
Section 400 Transfer of Supervision						
2	4-101: Eligibility Requirements for the Transfer of Supervision	Rules Committee	Y	N	N	N
3	4-103: TOS Procedures for JSOs	Rules Committee	Y	N	N	N
4	4-104: Authority to Accept/Deny Supervision	Delaware, Maryland	Y	Y	Y	\$17,250
5	4-104: Authority to Accept/Deny Supervision	West Region	N	N	N	N
Section 500 Supervision in Receiving State						
6	5-103: Reporting Juvenile Non-Compliance, Failed Supervision, and Retaking	Technology Committee	Y	Y	Y	\$50,750
7	NEW 5-103A: Failed Supervision Determined by Receiving State					
Section 700 Additional Return Requirements for Sections 500 and 600						
8	7-106: Transportation	Rules Committee	N	N	N	N
9	7-106: Transportation	Arkansas, Missouri	N	N	N	N
10	7-107: Airport Supervision	South Region	N	N	N	N
Section 800 Travel Permits						
11	8-101: Travel Permits	Rules Committee	Y	N	N	N
12	8-101: Travel Permits	East Region	N	N	N	N

Proposed by the Rules Committee

RULE 1-101: Definitions

Relocate: when a juvenile remains in another state for more than ninety (90) consecutive days in any twelve (12) month period.

History: "Relocate" adopted September 15, 2010, effective January 1, 2011;

Justification:

The Rules Committee recommends eliminating the definition of "Relocate." The current definition is inconsistent in all sections of rules that use the term. In many instances, "Relocate" seems to be used in the traditional sense of the word, that is "to move from one place to another." This rule proposal is presented in tandem with proposals to Rules 4-101 and 4-103. The proposed changes promote consistency between rules and eliminate confusion.

Effect on Other Rules or Advisory Opinions:

Other Rules

Rule 8-101: Travel Permits will be impacted by the adoption of this rule amendment bundle, consisting of Rule 1-101, 4-101, and 4-103. If the definition of "Relocate" is removed from Rule 1-101, the word "relocating" in Rule 8-101(1)(b)(ii) will revert to the Webster Dictionary version.

There is a separate proposal to remove the word "relocating" from Rule 8-101(1)(b)(ii).

The 800 Section is to be considered independently so the full commission can decide by an up or down vote if youth residing in the receiving state at the time of adjudication should be subject to the travel permit requirement.

Advisory Opinions

- [Advisory Opinion 01-2018](#) references Rule 1-101: Relocate definition and Rule 4-101(2). Opinion would require reanalysis.
- [Advisory Opinion 02-2017](#) references Rule 4-101(2). Rule reference update only.
- [Advisory Opinion 01-2016](#) references Rule 4-101(2). Rule reference update only.
- [Advisory Opinion 02-2015](#) references Rule 4-101(2) and Rule 4-102(2). Rule reference updates only.
- [Advisory Opinion 03-2011](#) references Rule 4-101(2). Rule reference update only.

UNITY Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- Edits to UNITY data fields and workflow configuration to remove the travel permit requirement for non-sex offense related probation transfer of supervision cases when the juvenile already resides in the receiving state.

Forms Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- No impact.

Fiscal Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- \$13,750

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[06/01/2022](#) – Rules Committee voted 5-0-0 to recommend amendments to Rules 1-101, 4-101, and 4-103 for adoption as a bundle.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 47-1-0 to approve the amendments to Rule 1-101, 4-101, and 4-103 as presented by the Rules Committee.

Proposed by the Rules Committee

RULE 4-101: Eligibility Requirements for the Transfer of Supervision

1. 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.
2. No state shall permit a juvenile who is eligible for transfer under this Compact to reside in ~~relocate to~~ another state except as provided by the Compact and these rules. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:
 - a. is classified as a juvenile in the sending state; and
 - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
 - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
 - d. has a plan inclusive of residing in ~~relocating to~~ another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
 - e. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
 - f.
 - i. will reside with a legal guardian, relative, non-relative or independently, excluding residential facilities; or
 - ii. is a full-time student at an accredited secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
3. If a juvenile is placed pursuant to the ICJ and is also subject to the Interstate Compact on the Placement of Children (ICPC), placement and supervision through the ICPC would not be precluded.
4. A request for the transfer of supervision for the sole purpose of collecting restitution and/or court fines is not permitted.
5. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended November 4, 2015

Justification:

The Rules Committee recommends eliminating the definition of “Relocate.” The current definition is inconsistent in all sections of rules that use the term. In many instances, “Relocate” seems to be used in the traditional sense of the word, that is “to move from one place to another.” This rule proposal is presented in tandem with proposals to Rules 1-101 and 4-103. The proposed changes promote consistency between rules and eliminate confusion.

Effect on Other Rules or Advisory Opinions:

Other Rules

Rule 8-101: Travel Permits will be impacted by the adoption of this rule amendment bundle, consisting of Rule 1-101, 4-101, and 4-103. If the definition of “Relocate” is removed from Rule 1-101, the word “relocating” in Rule 8-101(1)(b)(ii) will revert to the Webster Dictionary version.

There is a separate proposal to remove the word “relocating” from Rule 8-101(1)(b)(ii).

The 800 Section is to be considered independently so the full commission can decide by an up or down vote if youth residing in the receiving state at the time of adjudication should be subject to the travel permit requirement.

Advisory Opinions

- [Advisory Opinion 01-2018](#) references Rule 1-101: Relocate definition and Rule 4-101(2). Opinion would require reanalysis.
- [Advisory Opinion 02-2017](#) references Rule 4-101(2). Rule reference update only.
- [Advisory Opinion 01-2016](#) references Rule 4-101(2). Rule reference update only.
- [Advisory Opinion 02-2015](#) references Rule 4-101(2) and Rule 4-102(2). Rule reference updates only.
- [Advisory Opinion 03-2011](#) references Rule 4-101(2). Rule reference update only.

UNITY Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- Edits to UNITY data fields and workflow configuration to remove the travel permit requirement for non-sex offense related probation transfer of supervision cases when the juvenile already resides in the receiving state.

Forms Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- No impact.

Fiscal Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- \$13,750

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[06/01/2022](#) – Rules Committee voted 5-0-0 to recommend amendments to Rules 1-101, 4-101, and 4-103 for adoption as a bundle.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 47-1-0 to approve the amendments to Rule 1-101, 4-101, and 4-103 as presented by the Rules Committee.

Proposed by the Rules Committee

RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4-103(3) is applicable.
2. When transferring a juvenile sex offender, the referral shall consist of: Form VI Application for Services and Waiver, Form IV Parole or Probation Investigation Request, Order of Adjudication and Disposition, Conditions of Supervision, Petition and/or Arrest Report. The sending state shall also provide (if available): Safety Plan, Specific Assessments, Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the juvenile, sending state's current or recommended Supervision and Treatment Plan, photograph, and all other pertinent materials. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V Notification From Sending State of Parolee or Probationer Proceeding to the Receiving State shall be forwarded prior to or at the time juvenile relocates to the receiving state if the juvenile is not already residing in the receiving state pursuant to Rule 4-103(3).
3. When it is necessary for a juvenile sex offender to relocate or reside with a legal guardian prior to the acceptance of supervision, and there is no legal guardian in the sending state, the sending state shall determine if the circumstances ~~of the juvenile's immediate relocation~~ justify the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated:
 - a. The sending state shall provide the receiving state with an approved Form VII Out-of-State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
 - b. If not already submitted, the sending state shall transmit a complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether it will expedite the referral or process the referral according to Rule 4-102.
 - c. Within five (5) business days of receipt of the Form VII Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of applicable registration requirements and/or reporting instructions, if any. The sending state shall be responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her family in a timely manner.

- d. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions issued under 4-103(3)(c).
4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022

Justification:

The Rules Committee recommends eliminating the definition of “Relocate.” The current definition is inconsistent in all sections of rules that use the term. In many instances, “Relocate” seems to be used in the traditional sense of the word, that is “to move from one place to another.” This rule proposal is presented in tandem with proposals to Rules 1-101 and 4-101. The proposed changes promote consistency between rules and eliminate confusion.

Effect on Other Rules or Advisory Opinions:

Other Rules

Rule 8-101: Travel Permits will be impacted by the adoption of this rule amendment bundle, consisting of Rule 1-101, 4-101, and 4-103. If the definition of “Relocate” is removed from Rule 1-101, the word “relocating” in Rule 8-101(1)(b)(ii) will revert to the Webster Dictionary version.

There is a separate proposal to remove the word “relocating” from Rule 8-101(1)(b)(ii).

The 800 Section is to be considered independently so the full commission can decide by an up or down vote if youth residing in the receiving state at the time of adjudication should be subject to the travel permit requirement.

Advisory Opinions

- [Advisory Opinion 01-2018](#) references Rule 1-101: Relocate definition and Rule 4-101(2). Opinion would require reanalysis.
- [Advisory Opinion 02-2017](#) references Rule 4-101(2). Rule reference update only.
- [Advisory Opinion 01-2016](#) references Rule 4-101(2). Rule reference update only.
- [Advisory Opinion 02-2015](#) references Rule 4-101(2) and Rule 4-102(2). Rule reference updates only.
- [Advisory Opinion 03-2011](#) references Rule 4-101(2). Rule reference update only.

UNITY Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- Edits to UNITY data fields and workflow configuration to remove the travel permit requirement for non-sex offense related probation transfer of supervision cases when the juvenile already resides in the receiving state.

Forms Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- No impact.

Fiscal Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- \$13,750

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[06/01/2022](#) – Rules Committee voted 5-0-0 to recommend amendments to Rules 1-101, 4-101, and 4-103 for adoption as a bundle.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 47-1-0 to approve the amendments to Rule 1-101, 4-101, and 4-103 as presented by the Rules Committee.

Proposed by Commissioner Mike Casey (DE) and Commissioner Sherry Jones (MD)

RULE 4-104: Authority to Accept/Deny Supervision

1. Only the receiving state's authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized Compact Office staff's signature is required on or with the Form VIII Home Evaluation Report that accepts or denies supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision shall be accepted unless ~~may be denied when~~ the home evaluation reveals that the proposed residence 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, except as provided in Rule 4-104(5). ~~when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.~~ When supervision is not recommended, the Form VIII Home Evaluation Report shall include a detailed justification to include why the proposed residence is not safe and/or suitable.
5. Supervision shall be accepted when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
6. Upon receipt of acceptance of supervision from the receiving state, and 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. If the transfer of supervision is denied by the receiving state and the juvenile is already residing in the receiving state, the sending state shall, within five (5) business days, secure alternative living arrangements and submit an updated referral or return the juvenile to the sending state. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

History: Adopted as Rule 5-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022

Justification:

A bold, proactive approach must be undertaken to effect positive systemic change. ICJ transfer of supervision denials among groups broken down by race ranged from 4% to 21% in 2022 (See ICJ Data Walk), with 14% being the average. Racial groups with above-average denial rates included African American, American Indian/Alaskan Native, Native Hawaiian/Pacific Islander, and Other.

Allowing parents and youth to identify alternative housing plans for their children while maintaining parental responsibility empowers the family to make decisions for themselves and will likely lead to more positive outcomes. This will likely lead to higher acceptance rates concerning the transfer of supervision cases across all racial groups.

According to a 2012 report from the Annie E. Casey Foundation:

- Roughly 2.7 million American children lived with a relative, often their grandparents.
- Of these children, nearly 104,000 were placed in state-supervised formal “kinship care.”
- Additionally, “approximately 400,000 children who came to the attention of the child welfare system, but were diverted from state custody, live with kin as an alternative to foster care.”

In 2017, adults in the U.S. cared for more than 2.6 million of their relatives’ children through formal and informal care. - KIDS COUNT, 2018, Annie E. Casey Foundation

According to the Annie E. Casey 2018 Executive Summary, Commitment to Racial and Ethnic Equity, wherever significant problems and disparities are identified, system stakeholders must devise new strategies or practices to address the situation, monitor their impact, and continually refine the approaches in an ongoing pursuit of greater equity.

Effect on Other Rules, Advisory Opinions or Dispute Resolutions:

Other Rules

No Impact.

Advisory Opinions

[Advisory Opinions 01-2018](#) and [04-2014](#) reference Rule 4-104(4) regarding concepts of mandatory acceptance. Opinions would require rule reference edits and may require reanalysis.

[Advisory Opinion 03-2011](#) reference Rule 4-104(5) which would a minor require renumbering edit.

UNITY Impact:

Yes; new required data field on Form VIII: Home Evaluation Report titled “Detailed Justification” which appears if officer selects “Supervision Not Recommended” for the recommendation.

Forms Impact:

Yes; new required data field on Form VIII: Home Evaluation Report titled “Detailed Justification” if officer selects “Supervision Not Recommended” for the recommendation.

Fiscal Impact:

\$17,250

Effective Date:

April 1, 2024

Rules Committee Action:

03/01/2023 – Rules Committee voted 9-0-0 to not recommend the proposal for adoption.

05/16/2023 – Rules Committee voted 10-0-0 to recommend changes to the proposed amendment to Rule 4-104 submitted by Commissioners S. Jones (MD) and M. Casey (DE); and that the Racial Diversity Equity and Inclusion Committee develop a corresponding Best Practice.

07/12/2023 – Rules Committee voted 9-0-0 to recommend the proposal for adoption as modified and presented.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 46-2-1 to approve the amendments to Rule 4-104 as presented by Delaware and Maryland.

Proposed by West Region

RULE 4-104: Authority to Accept/Deny Supervision

1. Only the receiving state's authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized Compact Office staff's signature is required on or with the Form VIII Home Evaluation Report that accepts or denies 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 residence 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, except when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
5. Upon receipt of acceptance of supervision from the receiving state, and 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 [a Form V: Notification of Sending State Upon Parolee or Probationer Proceeding to the Receiving State](#) ~~written notification of the juvenile's departure~~ to the receiving state.
6. If the transfer of supervision is denied by the receiving state and the juvenile is already residing in the receiving state, the sending state shall, within five (5) business days, secure alternative living arrangements and submit an updated referral or return the juvenile to the sending state. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

History: Adopted as Rule 5-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022

Justification:

Identifying the Form helps avoid confusion as to how written notification is provided and is consistent with Rule 4-102.

Effect on Other Rules or Advisory Opinions:

None

UNITY Impact:

No Impact.

Forms Impact:

No Impact.

Fiscal Impact:

No Impact.

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[03/01/2023](#) – Rules Committee voted 9-0-0 to recommend the proposal for adoption.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 49-0-0 to approve the amendments to Rule 4-104 as presented by the West Region.

Proposed by the Technology Committee

RULE 5-103: Reporting Juvenile Non-Compliance, ~~Failed Supervision~~ and Retaking

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision, the receiving state shall notify the sending state using Form IX Quarterly Progress, Violation or Absconder Report, which shall contain:
 - a. the date of the new citation or technical violation that forms the basis of the violation;
 - b. description of the new citation or technical violation;
 - c. status and disposition, if any;
 - d. supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation;
 - e. description of efforts made to redirect the behavior, including therapeutic interventions, incentives and/or graduated sanctions, or other corrective actions consistent with supervision standards in the receiving state; and
 - f. receiving state recommendations.
2. The sending state shall respond to a violation report in which a revocation or discharge is recommended by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
3. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory, the following shall be considered:
 - a. In those cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
 - b. The Form VI Application for Services and Waiver has the appropriate signatures; no further court procedures will be required for the juvenile's return.
 - c. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole consistent with probable cause requirements, if any. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
 - d. The sending state shall return the juvenile in a safe manner, pursuant to the ICJ Rules, within five (5) business days. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.

4. ~~Upon request from the receiving state, the sending state's ICJ Office shall return the juvenile within five (5) business days in accordance with these rules when:~~
- a. ~~A legal guardian remains in the sending state and the supervision in the receiving state fails as evidenced by:
 - i. ~~When a juvenile is no longer residing in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or~~
 - ii. ~~When an alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state; or~~
 - iii. ~~When an immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified; and~~
 - iv. ~~The receiving state has documented efforts or interventions to redirect the behavior.~~~~
 - b. ~~The juvenile is not residing with a legal guardian and that person requests the juvenile be removed from his/her home. The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.~~
 - e. ~~A juvenile student or juvenile who resides independently in the receiving state whose transfer of supervision fails.~~

History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022

Comment: Sections of Rule 5-103 were adopted as Rule 6-104 "Return of Juveniles Whose ICJ Placement Has Failed" December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; Rule 6-104 rescinded and replaced by Rule 5-103 October 9, 2013, effective April 1, 2014

Justification:

The Technology Committee proposes separating failed supervision returns in 5-103(4) from violation reports and retaking procedures by creating a NEW Rule 5-103A (*view "Justification" section on NEW Rule: 5-103A proposal for more details*). Most of the language from 5-103(4) is relocated to the new proposed rule.

Effect on Other Rules or Advisory Opinions:

This proposal is submitted as part of a bundle with the proposed NEW Rule 5-103A as presented by the Technology Committee.

UNITY Impact:

See UNITY Impact for the proposal to NEW Rule 5-103A

Forms Impact:

See Forms Impact for the proposal to NEW Rule 5-103A

Fiscal Impact:

See Fiscal Impact for the proposal to NEW Rule 5-103A

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[03/01/2023](#) – Rules Committee voted 7-1-0 to not recommend the proposal for adoption.

[04/05/2023](#) – Rules Committee voted 6-1-0 to recommend the proposal for adoption.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 40-8-1 to approve the amendments to Rule 5-103 and the new Rule 5-103A as presented by the Technology Committee.

Proposed by Technology Committee

NEW Rule 5-103A: Failed Supervision Determined by Receiving State

Upon request from the receiving state, the sending state's ICJ Office shall return the juvenile within five (5) business days in accordance with these rules when:

1. The receiving state may determine supervision has failed when a juvenile is not detained and one of the following circumstances applies:
 - a. A legal guardian remains in the sending state, ~~and~~ the receiving state has documented efforts or interventions to redirect the behavior, and: ~~the supervision in the receiving state fails as evidenced by:~~
 - i. ~~When a~~ The juvenile is no longer resides ~~residing~~ in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
 - ii. ~~When~~ An alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives ~~exist~~ have been located in the receiving state; or
 - iii. ~~When~~ An immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified; ~~and~~
 - iv. ~~The receiving state has documented efforts or interventions to redirect the behavior.~~
 - b. The juvenile does ~~is not~~ reside ~~residing~~ with a legal guardian and the ~~that~~ person with whom the juvenile resides requests the juvenile be removed from his/her home. ~~The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.~~
 - c. The ~~A~~ juvenile is a student or ~~juvenile who~~ resides independently in the receiving state and the ~~whose~~ transfer of supervision fails due to documented instances of violations of conditions of supervision, and the receiving state has documented efforts or interventions to redirect the behavior.
2. Upon a determination of failed supervision, the receiving state shall notify the sending state using Form IX Failed Supervision Report which shall contain the following information:
 - a. Details regarding how the supervising agent determined supervision in the receiving state failed; and
 - b. Description of efforts or interventions to redirect behavior or maintain current residence; and

- c. Any pending charges in the receiving state.
3. The sending state shall respond to the Form IX Failed Supervision Report no later than ten (10) business days following receipt by the sending state.
 - a. The response shall provide details of an alternative living arrangement secured by the sending state or provide notice that a decision has been made to return the juvenile.
 - b. If an alternative living arrangement is not secured, the juvenile shall be returned no later than ten (10) business days following receipt of the Form IX Failed Supervision Report by the sending state. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.

Justification:

As a result of the [2022 UNITY Data Assessment](#) completed by the Compliance Committee it was discovered that in situations of Failed Supervision, not only was the required response to a violation report not being completed, but youth were not being returned in the 5 business days allowed by the current rule. The Data Assessment found that returns due to Failed Supervision were taking an average of 13 business days. The Information Technology Committee was tasked with reviewing 5-103 as it pertained to failed supervision and the UNITY workflow currently associated with the rule. It was determined that it is not feasible in most cases to meet the current requirement due to the complexity of investigation and finding a new residence. Also as written, 5-103 covers Non-Compliance, Failed Supervision, and Retaking. While Non-Compliance and Retaking have very specific processes and expectations, the same is not true for Failed Supervision. The current rule outlines when supervision can be considered to have failed but does not provide guidance on how to provide that information to the sending state.

This proposal brings over language from 5-103(4) and is intended to provide clarity regarding the process and expectations for both the sending and receiving states once the receiving state has made a determination of failed supervision. This change is intended to alleviate any confusion between reporting a violation which requests discharge or revocation and Failed Supervision which mandates either the return of the juvenile or securing an alternative residence. In addition, the time frame would be extended based on the findings of the 2022 UNITY Data Assessment.

The addition of using a separate form was also made part of this proposal to reduce confusion regarding what mechanism should be used by the receiving state to report a failed supervision. Current forms (Form IX QPR and VR) do not require the needed

information be included to justify a Failed Supervision. This new form allows field workers to gather the required information to initiate the Failed Supervision process. This form also facilitates the appropriate response to the Failed Supervision by the Sending State.

Effect on Other Rules or Advisory Opinions:

This proposal is submitted as part of a bundle with the proposed amendments to Rule 5-103 as presented by the Technology Committee.

UNITY Impact:

Edits to applicable UNITY Failed Supervision Event to permit use of new Form IX: Failed Supervision Report and addition of new timelines.

Forms Impact:

New Form IX: Failed Supervision Report

Fiscal Impact:

\$50,750

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[03/01/2023](#) – Rules Committee voted 7-1-0 to not recommend the proposal for adoption.

[04/05/2023](#) – Rules Committee voted 6-1-0 to recommend the proposal for adoption.

[05/16/2023](#) – Rules Committee voted 9-1-0 to suggest that the Technology Committee add the phrase “Mandatory Retaking” to the rule title.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 40-8-1 to approve the amendments to Rule 5-103 and the new Rule 5-103A as presented by the Technology Committee.

Proposed by the Rules Committee

RULE 7-106: Transportation

1. Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state and maintaining security of the juveniles until departure.
2. Home/demanding/sending states shall make every effort to accommodate the airport preferences of the holding/receiving state. Additionally, travel plans shall be made with consideration of normal business hours and exceptions shall be approved by the holding/receiving state.
3. Holding/receiving 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/receiving states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved carrier, COD or at the expense of the home/demanding/sending 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/receiving 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.
6. The home/demanding/sending state shall not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult.
7. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this Compact, without interference.
8. In the event of an emergency situation including but not limited to weather, accident, mechanical issue, delayed flight, or missed flight, that interrupts or changes established travel plans during a return transport, the ICJ member states may provide necessary services and assistance, including temporary detention or appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed.

History: Adopted as Rule 6-110 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 7-106, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018

Justification:

This change would give states the authority to assist with the temporary detention/shelter of youth in any emergency situation caused by a disruption of an established travel plan.

Effect on Other Rules or Advisory Opinions:

None

UNITY Impact:

No Impact.

Forms Impact:

No Impact.

Fiscal Impact:

No Impact.

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[08/10/2022](#) – Rules Committee voted 5-0-0 to recommend the amendment to 7-106(8) for adoption.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 42-6-1 to approve the amendments to Rule 7-106 as presented by the Rules Committee.

Proposed by Designee Judy Miller (AR) and Commissioner Julie Hawkins (MO)

RULE 7-106: Transportation

1. Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state and maintaining security of the juveniles until departure.
2. Home/demanding/sending states shall make every effort to accommodate the airport preferences of the holding/receiving state. Additionally, travel plans shall be made with consideration of normal business hours and exceptions shall be approved by the holding/receiving state.
3. In collaboration with the holding/receiving state, demanding/sending state, and the lay-over state, discretion shall be used when determining which personal items may accompany the juvenile on their return. ~~Holding/receiving states shall not return to juveniles any personal belongings which could.~~ Items that may jeopardize the health, safety, or security of the juvenile or others shall be confiscated. (examples: weapon, cigarettes, medication, lighters, change of clothes, or cell phone)
4. ~~Holding/receiving states shall confiscate all questionable~~ Confiscated personal belongings ~~and return those belongings~~ shall be returned to the legal guardians by checked luggage, approved carrier, COD or at the expense of the home/demanding/sending 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/receiving 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.
6. The home/demanding/sending state shall not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult.
7. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this Compact, without interference.

History: Adopted as Rule 6-110 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 7-106, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018

Justification:

Paragraph 3: The states involved in the juvenile's return should be allowed to use discretion when determining what belongings/items the juvenile can bring with them on their return trip. In some cases, there is no need to restrict the belongings; particularly, on one-way trips with no lay-overs. It can be a financial burden to the holding/receiving state's detention center or shelter on how to return the belongings. Some items may never be returned. In the past there were concerns with juveniles traveling with extra

clothing. In most cases when a picture of the juvenile is provided, this eliminates that issue.

Paragraph 4: Another option for returning belongings is for the home/demanding state to include the cost of checked baggage at the time the flight reservation is made. This relieves the issue of the holding/receiving state finding a way to return the items and how to pay for them. Returning belongings to the home/demanding state can be difficult and can be an extra expense for the detention center, shelter, or the family to arrange for payment to return these items.

Effect on Other Rules or Advisory Opinions:

None

UNITY Impact:

No Impact.

Forms Impact:

No Impact.

Fiscal Impact:

No Impact.

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[03/01/2023](#) – Rules Committee voted 8-0-0 to recommend the proposal for adoption.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 43-6-0 to approve the amendments to Rule 7-106 as presented by Arkansas and Missouri.

Proposed by South Region

RULE 7-107: Airport Supervision

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports en route to the home/demanding/sending state.
2. Juveniles shall be supervised from arrival until departure.
3. Home/demanding/sending states shall ~~give the states providing~~ request airport supervision a minimum of forty-eight (48) hours in advance ~~notice~~. Exceptions may be approved by the intermediate airport state.
4. In the event of an emergency situation including but not limited to weather, delayed flight, or missed flight, 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 appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed.

History: Adopted as Rule 6-111 December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 7-107, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016

Justification:

It is recommended the language be struck and amended in 7-107: Airport Supervision #3. By amending the language, the Rule would require the Home/Demanding State to “request” airport supervision from the layover State rather than simply “notifying” the layover State. The language change requires Home/Demanding States to adhere to the 48 hours advance notice of the request and provides greater communication to include the layover State.

Effect on Other Rules or Advisory Opinions:

None

UNITY Impact:

No Impact.

Forms Impact:

No Impact.

Fiscal Impact:

No Impact.

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[02/01/2023](#) – Rules Committee voted 7-0-0 to return the proposal to the South Region to consider striking “unless an emergency occurs” and adding a new sentence: “Exceptions may be approved by the intermediate airport state.”

[04/05/2023](#) – Rules Committee voted 7-0-0 to recommend the proposal for adoption.

2023 Annual Business Meeting Action:

[09/27/2023](#) – Commission voted 47-2-0 to approve the amendments to Rule 7-107 as presented by the South Region.

Proposed by Rules Committee

RULE 8-101: Travel Permits

1. All travel permits shall be submitted prior to the juvenile's travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours who meet the criteria set forth in 1(a) or 1(b):
 - a. Juveniles who have been adjudicated and are on supervision for one of the following:
 - i. sex-related offenses;
 - ii. violent offenses that have resulted in personal injury or death; or
 - iii. offenses committed with a weapon;
 - b. Juveniles who are one of the following:
 - i. state committed;
 - ii. ~~relocating~~ pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 - iii. returning to the state from which they were transferred for the purposes of visitation;
 - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
 - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to a residential facility for placement shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the travel permit. The issuing state shall instruct the juvenile to immediately report any change in status during that period.
 - a. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.

5. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with

the legal requirements of victim notification through the timely exchange of required information.

History: Adopted as Rule 5-102 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013 and renumbered as Rule 8-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018

Comment: Rule 8-101 was originally titled “Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules,” adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-101, effective April 1, 2014

Justification:

The Rules Committee is recommending that the full Commission decide by an up or down vote on 8-101(1)(b)(ii) whether youth already residing outside of the state of adjudication should be subject to the travel permit requirement. The Rules Committee has decided this proposal will be considered separately from the bundled proposal (Rules 1-101, 4-101, and 4-103).

A vote in support of this proposal would make all transfers of supervision subject to the travel permit requirement, including those juveniles already residing in the receiving state at the time of adjudication. This would result in no changes to the UNITY system and no fiscal impact, as it would be consistent with the interpretation of the rule at the time UNITY was created.

If voted down, “relocating” would remain in the language and would be subject to the outcome of the bundled proposal (Rules 1-101, 4-101, and 4-103). If the bundled package passes, and the 8-101 proposal is voted down, “relocating” would return to a traditional sense of the term, that is “to move from one place to another.” Youth already residing out-of-state at the time of adjudication would not be subject to the travel permit requirement. This would have fiscal and UNITY impacts, as the travel permit workflow tied to this subgroup would have to be updated in UNITY.

Effect on Other Rules or Advisory Opinions:

See above for potential impact on other rules.

No Advisory Opinion impacts.

UNITY Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- Edits to UNITY data fields and workflow are required to remove the travel permit requirement for transfer of supervision cases for juveniles who already reside in the receiving state.

Forms Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- No impact.

Fiscal Impact:

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted and the Rule 8-101 amendment is also adopted:

- No impact.

If the bundle consisting of Rule 1-101, 4-101, and 4-103 is adopted but the Rule 8-101 amendment proposal is not adopted:

- \$13,750

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[06/01/2022](#) – Rules Committee voted 5-0-0 to recommend the amendment for adoption.

[05/16/2023](#) – Rules Committee voted 10-0-0 to reconsider the original motion from 06/01/2022 recommending the amendment for adoption.

[05/16/2023](#) – Rules Committee voted 10-0-0 to not take a position on the proposal and to recommend the full Commission decide by an up or down vote whether juveniles residing in the receiving state at the time of adjudication should be subject to the travel permit requirement.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 29-20-0 to approve the amendments to Rule 8-101 as presented by the Rules Committee.

Proposed by East Region

RULE 8-101: Travel Permits

1. All travel permits shall be submitted prior to the juvenile's travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours who meet the criteria set forth in 1(a) or 1(b):
 - a. Juveniles who have been adjudicated or have deferred adjudications and are on supervision for one of the following:
 - i. sex-related offenses;
 - ii. violent offenses that have resulted in personal injury or death; or
 - iii. offenses committed with a weapon;
 - b. Juveniles who are one of the following:
 - i. state committed;
 - ii. relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 - iii. returning to the state from which they were transferred for the purposes of visitation;
 - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
 - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to a residential facility for placement shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the travel permit. The issuing state shall instruct the juvenile to immediately report any change in status during that period.
 - a. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.

5. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with

the legal requirements of victim notification through the timely exchange of required information.

History: Adopted as Rule 5-102 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013 and renumbered as Rule 8-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018

Comment: Rule 8-101 was originally titled “Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules,” adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-101, effective April 1, 2014

Justification:

With more states offering alternative sentencing in which adjudication is deferred and the juvenile is placed on supervision, which is treated similarly to Probation cases, this is a public safety justification to ensure Receiving States are aware when one of these juveniles is in their state. It would also align the rules with the eligibility for Transfer of Supervision requirements which “*is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state.*”

Effect on Other Rules or Advisory Opinions:

None

UNITY Impact:

The East Region recommends adding an option for “deferred adjudication” in addition to Probation and Parole in the Travel Permit case type selector; however, in consideration of keeping consistency with the TOS selector options the Technology Committee assessment does not support adding this option but rather educating the Commission about Travel Permit requirements.

Forms Impact:

No Impact.

Fiscal Impact:

No Impact.

Effective Date:

April 1, 2024

Rules Committee Action: *Click on meeting date to view approved minutes.*

[02/01/2023](#) – Rules Committee voted 7-0-0 to recommend the proposal for adoption.

2023 Annual Business Meeting Action:

09/27/2023 – Commission voted 39-10-0 to approve the amendments to Rule 8-101 as presented by the East Region.

2023 Interstate Compact

Annual Business Meeting

September 25-28, 2023

This year's ICJ ABM began in the usual manner, with the pledge of allegiance, and with the approval of the meeting's agenda.

The first guest speaker was Dr. LaMarr Shields. The focus of his speech was to inspire the attendees to learn how to care for themselves, in order to have the ability to care better for others. Some of his most notable quotes are as follows:

- We need to learn how to both give and to receive.
- The child who needs to most love often asks for it in the most-unloving manner.
- Self-care is giving the world the best of you, rather than what is left of you.
- Trauma influences us; it keeps us from having the desire to function normally.
- Trauma creates change that we do not choose; healing is about creating change that we do choose.
- To change the world, we must, first, change ourselves.
- Mental fatigue can lead to making mistakes. Decision fatigue exists. It causes us to be more reactionary.
- It is good for us to have "reflection journals" for listing items that we are thankful for.
- Create a "stop doing" list and follow through. When we feel like quitting the process, we should remember how we started (without the bad habits).
- Know why we do what we do.
- The quieter that we become, the more we can hear.

Soon, the discussion of the ICJ rule proposals began. This was to allow for the best understanding of the proposed changes, for the voting that would take place on the following day. The discussion involved ten potential changes:

- The first vote amends the definition of the word “relocate.” The new accepted meaning would be simplified to indicate that a person changes location from one place to another. This would affect ICJ Rules 1-101, 4-101, and 4-103. [This rule change was passed on 9-27-2023, goes into effect 4-1-2024.]
- The second vote would be to keep the practice of sending a Form VII travel permit with transfer-of-supervision requests to other states, even when the youths have always lived in the other states (but adjudicated in a second state). This would affect ICJ Rule 8-101. [This rule change was voted down on 9-27-2023.]
- The third vote would affect ICJ Rule 4-102. Within transfer-of-supervision cases, it would require the receiving states to provide the sending states the name of a local receiving state contact person (and that person’s contact number) within ten days of the submission of the request. The goal would be to have the receiving states to be supplying services before the home evaluations were completed and before the homes were deemed to be suitable – to avoid lapses in services. [This was sent back to the Rules committee for additional research and contemplation.]
- The fourth and fifth votes were to affect ICJ Rule 4-104. Added an additional series of questions that would require additional answers when home evaluations are denied for minority youths. These additional questions would be designed to make certain that the homes were not being denied based on racial bias. [These rule changes were passed on 9-27-2023, to goes into effect 4-1-2024.]
- The sixth vote involves ICJ Rule 5-103, adding Rule 5-103, A. In instances where youths fail their supervision in receiving states on transfer-of-supervision cases, the receiving states need to send

ICJ Form IX violation reports recommending that the youths be returned to their sending state. The sending states need to make certain that the youths are returned within five working days. (Currently, it is taking an average of 16 days to return failed-placement youths.) There may, now, be stiffer sanctions and larger fines for non-compliance. [This rule change was passed on 9-27-2023, to go into effect on 4-1-2024.]

- The seventh vote would involve ICJ Rule 7-106. It would require layover states to assist with the temporary detention of the youths overnight, if necessary, when airline flights are delayed, or cancelled, until replacement flights could be arranged. [This rule change was passed on 9-27-2023, to go into effect on 4-1-2024.]
- The eighth vote concerns ICJ Rule 7-106, as well. It would allow the youths to travel with essential items such as driver's licenses, wallets, purses, keys, cell phones, and personal effects, when returning to the home states. [This rule change was passed on 9-27-2023, to go into effect on 4-1-2024.]
- The ninth vote involved ICJ Rule 7-107, concerning layover supervision in airports. When a demanding state asks a third state for airport supervision for youths traveling from the holding states, the demanding states must give the layover states 48 hours of advance notice, in asking for the supervision service. Even though this rule change makes the return of the youths more difficult within the required five-working-day window, the layover states with hub airports indicated that this was needed. [This rule change was passed on 9-27-2023, to go into effect on 4-1-2024.]
- The final vote involved ICJ Rule 8-101. It would require ICJ Form VII travel permits to be sent for youths with deferred-adjudication agreements. [This rule change was passed on 9-27-2023, to go into effect on 4-1-2024.]

Various members of the Training Committee began speaking about effective ways to best train the workers within the states on matters involving the Interstate Compact. Some tips are as follows:

- Know your audience
- Rather than arranging for specific meetings for ICJ training, try to “piggyback” other training events where larger numbers of individuals have already been gathered to learn.
- Identify who, within the state, needs to greatest amount of training. Begin the training sessions with those with the least amount of knowledge.
- Identify the learning gaps and focus on filling those gaps in knowledge.
- Formulate ways to best reach each target audience.
- Know the past histories of the various target audiences.
- Cover the ICJ rules.
- Direct the listeners to the online resources of the national ICJ office.

After the effective training strategies presentation, the assembled members broke out into the individual region meetings. These break-out meetings were considered to be one of the four quarterly regional meetings that take place, annually, for each region. Texas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Maryland, Washington D.C., Tennessee, Kentucky, Arkansas, and Missouri all had representatives in the Southern Region meeting. Items discussed were the proposed rule changes, along with specific difficulties involving child-welfare youths, abandoned youths, obtaining secure detention for non-delinquent runaways, high staff turnover rates, and the need for ongoing training for new state employees. Other topics included how to encourage child-welfare personnel to follow through with referrals for alleged abuse, and the need for educating local judges. Many states expressed a continual shortage of available detention beds, along with a shortage of detention staff in the facilities. Also mentioned, was a surprising acknowledgement that New Jersey is processing old DNA samples and adjudicating individuals in their thirties, forties, and fifties, in juvenile court, as delinquents, for offenses that occurred decades ago, and in those instances where the adjudicated individuals are residing in other states, the

other states' juvenile probation officers are being asked to supervise people who are in their thirties, forties, and fifties.

Wednesday began with a youth speaker named Maygan Martinez. Ms. Martinez had been a child-welfare youth who had been adjudicated on juvenile matters, and had been on probation, at some point in her past. She "aged out" of the child welfare system and became a homeless young adult. Gradually, she was able to secure employment, and a place to live. She is, currently, in college seeking a bachelor's degree in political science. She plans to become an attorney. Her motto is, "Your experience doesn't define you." She believes that the choices that a person makes, and the steps that he or she takes, are what, ultimately, defines an individual.

Following this, the committee reports were made. Various speakers provided the following information:

Executive Committee Report - Oregon's Nina Belli spoke of several strategic initiatives. There is an ongoing effort to improve the data systems – UNITY and TABLEAU. Proactive monitoring will increase. Diversity, equity, and inclusion improvements are being sought. A continued effort to identify gaps in services remains ongoing. Last year's examples would include the after-hours contact matrix and the new bench book for judges.

Compliance Committee Report - Nebraska's J.C. Rader spoke of increasing proactive monitoring, using UNITY and TABLEAU. Trends and usage of the systems are constantly under review. It is known that each state had to be only 80% compliant with respect to the timeliness of reporting, in UNITY, for home evaluations, quarterly reports, and travel permits as of 1-1-2023. The compliance rate rose to 90% on 7-1-2023. It will rise to 95% on 1-1-2024. Failure to meet timelines can, always, result in sanctions and / or fines. Also, to be included, going forward, are each state's ability to return failed-placement youths within five working days. Having proper signatures on the forms is, too, part of remaining within compliance. State council meetings and the payment of annual dues are part of the compliance committee's responsibility, too.

Finance Committee Report – New Mexico’s Dale Dodd reported on matters involving the Finance Committee. This year, apparently, a new investment strategy was implemented for surplus funds. There were changes in the travel reimbursement policy (lowering the reimbursement rates). The 2025 fiscal year budget was adopted for \$1,313,500.00.

Information Technology Committee – Iowa’s Kellianne Torres spoke on the IT issues. There continues to be software enhancements to the UNITY and TABLEAU data systems. UNITY and TABLEAU must have further changes by 4-1-2024, when the new rule changes go into effect (those that were adopted at this year’s ICJ Annual Business Meeting). New “best practices” bulletins and new training videos will be brought forth to assist the software users with the upcoming changes. There will, soon, be monitoring for maximum projected supervision dates and compliance therewith, for the transfer-of-supervision cases. The year of 2023 will end with a total of 23 UNITY enhancements.

Racial Diversity, Equity, and Inclusion Committee – Maryland’s Sherry Jones spoke about the DEI initiatives. The focus for 2023 has been on the ICJ Form VIII home evaluations, to see if minority children are being denied supervision in receiving states at a greater rate than non-minority children. The committee concluded that this was happening. Hence, the new ICJ rule adoption, requiring additional information for denied home studies of minority youths, was introduced. The focus for 2024 will be on ICJ Form IX violation reports, to see if minority children could be over-represented in the system.

At this point, there was a break in committee reporting for there to be an acknowledgement of workers (from all the states) who have had more than fifteen years of working with the Interstate Compact for Juveniles. Ten people were acknowledged. Arkansas, Idaho, North Dakota, Mississippi, Arizona, South Dakota, Missouri, Maryland, and Pennsylvania were represented. Unfortunately, two people from Texas were overlooked, by accident.

East Region Report – New Hampshire’s Caitlyn Bickford spoke. She indicated that the after-hours contact matrix had been discussed, as well as the ongoing challenges with the return on non-delinquent runaways.

Midwest Region Report – South Dakota’s Charles (Chuck) Frieberg spoke. He mentioned that Ohio has a new commissioner – Sausan Lane. He also mentioned that Iowa has a new commissioner – Curtis Hamstra.

South Region Report – South Carolina’s Felicia Dauway spoke. She mentioned that many of the Southern states are experiencing staff shortages in the way of juvenile probation and parole officers, as well as within detention centers. The number of detention centers seems to be decreasing, as well.

Western Region Report – Arizona’ Howard Wykes spoke. He mentioned that some states are revisiting old cases, using stored DNA, resulting in “late” adjudications for sex crimes that transpired many years ago – placing older adults into the juvenile justice system, sometimes involving other states for needed supervision, by juvenile authorities elsewhere (if the adjudicated individuals are, now, living out-of-state). He talked about being more proactive when dealing with child-welfare runaways and pulling in assistance from the Interstate Compact for the Placement of Children (ICPC). He identified Brooke Montelongo as the new commissioner for Colorado. He identified Jason Johnson as the new commissioner for California. He, also, identified Sonia Sweeney as the new commissioner for Utah.

Legal Counsel Report – The national ICJ office’s General Counsel, Richard Masters spoke. Atty. Masters mentioned that there were no new advisory opinions issued in 2023. His efforts for the year were directed toward updating the Bench Book for Judges. He stated that there were no lawsuits filed against any individual states, this year, for non-compliance. Apparently, the existing practice of issuing sanctions and levying fines against non-compliant states will now be bolstered by Federal lawsuits. He indicated, too, that he assisted in developing a toolkit to help with youths who claim past abuse within their home states – encouraging the child-welfare authorities to follow through with investigations.

Rules Committee Report – North Carolina’s Stephen Horton spoke. He discussed preparing the new rules proposals for this year’s voting, prior to the voting that took place (with the results given earlier in this report). He indicated that the rule changes that were approved would go into effect on 4-1-2024.

The commissioner for the national ICJ office, Marylee Underwood took time to acknowledge Ms. Emma Goode, of the national ICJ office with an achievement award. California’s Michael Farmer received a leadership award. Colorado’s new commissioner, Brooke Montelongo received the “rising star” award.

The final speaker of the day was Utah’s Raymundo Gallardo. He spoke about the Interstate Compact for Juveniles collaborating with child-welfare agencies. Some points that he made are as follows:

- When referrals are made to child-welfare agencies for alleged abuse, the ICJ offices need to make sure that investigations begin.
- We need to indicate that telephone interviews with detained youths are possible.
- Most states have mandated reporting statutes.
- We need to realize that medical neglect is a form of abuse.
- If we find that a child-welfare agency has “screened out” an alleged abuse report, we can ask individuals in positions of higher authority within the child-welfare agencies to reconsider the earlier results.
- Each state, and, perhaps, each investigator may have a different definition of “imminent danger.” Standardization tools for the definition of “imminent danger” need to be pursued.
- Realize that cross-reporting may occur. It is better to have two states investigating possible abuse, than no state investigating.
- Should there be new ICJ rule changes to have the states delay the ICJ Form III hearings, until alleged abuse can be investigated?
- Use contacts within ICPC to assist in getting abuse investigations expedited.

Final matters of the 2023 ICJ Annual Business Meeting included the election of new officers. The newly-elected officers are as follows:

Chair – Oregon's Nina Belli

Vice-Chair – Missouri's Julie Hawkins

Treasurer – Maryland's Sherry Jones

Lastly, it was announced that the 2024 ICJ Annual Business Meeting will take place in Mobile, Alabama.