Introduction and History

- Original Juvenile Compact came about in 1955.
- Law in 40 states with more to join (8/09).
- Provides for the welfare and protection of juveniles and the public.
- Oversight is provided by the Interstate Juvenile Commission Office.
- The only legal process for returning runaways and transferring supervision.

2009 Interstate Compact for Juveniles Transition Rules

- The new Interstate Compact for Juveniles (ICJ) became a viable entity in 2008 when the 35th state (Illinois) joined.
- The Inaugural Meeting of the Interstate Commission for Juveniles (ICJ Commission) was held in December 2008.
- The Commissioners voted to accept the 2009 ICJ Transition Rules, which are identical to the Association of Juvenile Compact Administrators’ (AJCA) Rules.
- These Rules will be followed until the ICJ Commission votes and promulgates new Rules in December 2009.
- The Transition Rules allow old compact states to continue to interact with new compact states.
- Is the liaison on matters regarding the Interstate Compact.
- Coordinates the transfer of supervision of probation and parole across state lines.
- Coordinates the return of runaways, absconders, escapees and juveniles who have fled to avoid prosecution.
- Conducts record checks.
- Provides notification of out of state travel.
Other Comparable Compacts

- Interstate Compact on the Placement of Children (ICPC)
- Interstate Compact on Mental Health (ICMH)
- Interstate Compact for Adult Offender Supervision (ICAOS)
- Interstate Compact on Educational Opportunity for Military Children (MIC3)

Private Residential Facilities

- Interstate Compact for Juveniles Transition Rule 4-105.2 states that supervision of juveniles placed in private facilities will not be administered through the Interstate Compact on Juveniles.
- Future ICJ Rules may provide a provision for this type of placement.
- ICPC Article VI – Provides for the placement of delinquent juveniles in private residential facilities.

Variations in State Law

- Due to variations in state laws, a person who is considered a juvenile in one state may not be considered so in another state.
- A person’s status as a juvenile is determined by the sending or demanding state.
- The Supreme Court has ruled that compact law is special legislation and, as such, supersedes state law. [Virginia v West Virginia, 246 US 565 (1918).]

Communication Channels

The diagram illustrates the communication channels between states and local jurisdictions in the context of the Interstate Compact on Juveniles (ICJ).ICJ office: sends 1 copy of all mail to their local offices. The local office corresponds with their ICJ Office. Receiving ICJ Office: sends 2 copies of all mail to each other and talk to each other rather than the local officials in the other state.
Cooperative Supervision Requests

Definitions

- **Conditional Release**: means the release of a juvenile under special terms or conditions as specified by the court or agency of jurisdiction.

- **Delinquent Juvenile**: means any juvenile who has been adjudged delinquent and who, at the time the provisions of the Interstate Compact on Juveniles are invoked, is still subject to the jurisdiction of the court which has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

- ** Guardian**: means a person who legally has the care and management of the person, or estate, or both, of a child during minority or for the purpose and duration expressed in the order of guardianship.

- **Juvenile**: means any person within the juvenile jurisdictional age limit of any court in the home/sending state, or any individual adjudicated delinquent within the home/sending state and who remains under custodial care or community supervision of the juvenile authority.

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

- **Receiving State**: means a state to which a juvenile is sent for supervision under provision of the Interstate Compact on Juveniles.

- **Sending State**: means a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the Interstate Compact on Juveniles.
Cooperative Supervision Requests

• **Status Offenders**: means all juveniles who have been adjudicated status offenders, who are under juvenile jurisdiction as defined by the sending state, and who are under court-ordered supervision, but legally remaining non-delinquent, [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.

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**Cooperative Supervision Requests**

**Jurisdiction**

• Interstate Compact for Juveniles law does not allow for the transfer of disposition or jurisdiction across state lines!

• Sending State MUST retain jurisdiction.

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**Probation or Parole Investigation and Supervision Request**

**Use ICJ Form IV**

- **Must** be included in all referrals.
- Make sure the form is legible.
- Fill out completely to provide basic information.
- Include “referred by” for easy reference.

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**Application for Compact Services/ Memorandum of Understanding & Waiver**

**ICJ Form IA-VI**

- **Must** be included in all referrals.
- Juvenile and parent/guardian signatures can be obtained by the receiving state.
- Obtain a judge’s signature before sending for probation transfers.
- The Compact Office signs for parole transfers.
Report of Sending State upon Parolee or Probationer Being Sent to Receiving State

**ICJ Form V**

- Send after the request is made and before the juvenile is placed.
- Send on Parole cases as far in advance as possible.
- Must include reporting instructions.

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## Additional Information to Include

- Cover letter*
- Complaint/Petition*
- Court order (Adjudication & Disposition)*
- Rules of probation or parole*
- Police report(s)*
- Social History (if available)
- Psychological Report (if applicable)
- Sex Offender Registration requirements (if applicable)*
- Victim Notification (if applicable)*
- Psycho/Sexual Report (if applicable)*
- School and medical information (if available)
- Evaluations (if available)
- Restitution Information
- Any restrictions on movement/contact
- Any other information that may be helpful to the receiving state
- Send 3 copies to your state’s ICJ Office*

*Note: *= Information Required in ALL Referrals. All other information is additional information.

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## Review Request

- Ensure forms are included with signatures and referrals and supervision requests are in order.
- Include the Court Order (Adjudication & Disposition)—jurisdiction must be retained.
- Ensure required documentation is included.
- Ensure that referral is Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) compliant.
- Send 3 collated sets of all case materials to your Compact Office.

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## Points to Remember

- Send referrals as far in advance as possible.
- Parolees/Probation after-care cases should not advance to the receiving state without approval from that state.
  - Violent or sexual offenders also need prior approval
- Until the receiving state accepts supervision, the sending state is responsible for the juvenile, even if the juvenile has already moved.
- The sending state accepts the potential liability of placing a juvenile without prior acceptance. (Rule 4-103)
- Supervision fees are not to be imposed by either state on juveniles subject to the Compact. (Rule 4-104.4)
Home Evaluation Reports

- Are due from the probation/parole office within 20 working days of receipt of the referral.
- May use the Optional ICJ Home Evaluation Form.
- Must include a recommendation for acceptance or denial
  - Receiving ICJ Office cannot deny a placement if the juvenile’s custodial parent or legal guardian resides in the receiving state, although a denial may be recommended if the placement is not appropriate.
  - Cannot recommend case for rejection based on age or offense
- Send in triplicate to your Compact Office.

Quarterly Progress Reports

- Due every 90 days
- Report violations to your Compact Office as soon as possible (Recommend use of ICJ Quarterly Progress Report Form)
  - Sanctions are determined by the sending state
- Submit progress reports in triplicate, unless faxing or emailing

Home Evaluation Reports

- The Compact Administrator, or designee, accepts or denies a case based on:
  - Probation/Parole Officer’s recommendation,
  - ICJ Law
  - ICJ Rules
- Must provide the home evaluation to the sending Compact Office within 30 working days of receiving case along with the final approval / disapproval of the request for cooperative supervision. (Rule 4-102)

Closure of Cases

- The receiving state may request that a juvenile be released from probation or parole but may not close until the sending state concurs.
- Exceptions: May close without sending state’s concurrence when:
  - The court order expires,
  - The juvenile moves from your jurisdiction, or
  - The juvenile receives an adult conviction longer than the juvenile sentence.
New Charges

- Juveniles and Legal Custodian(s) Who Left the Sending State: In the event the juvenile receives new charges in the receiving state, that state should endeavor to assume jurisdiction over that juvenile. (Rule 6-105)
- The receiving state may ask the sending state to close
  - Not an automatic closure
  - May still have conditions from sending state

Out of State Travel Notification

- Travel permits must be issued for short term trips (over 48 hours up to 45 days) for ALL juvenile offenders.
- Can be used to test a visit up to 90 days.
- Obtain approval from receiving state, reporting, and other instructions.
- Include reporting instructions for visits over 30 days.
- Must use for sexual and violent offenders and juveniles with a weapons charge (regardless of length of visit / trips).
- Only applies to compact states and jurisdictions.
- Fax to your ICJ as soon as possible (prior to movement).

Return of Juveniles

Definitions
- **Absconder**: means a juvenile probationer or parolee who hides, conceals, or absent him/herself with the intent to avoid legal process or authorized control.
- **Asylum State**: means, for purposes of the ICJ Return Articles, the state to which a juvenile flees seeking immunity or protection from arrest or extradition.

Definitions
- **Escapee**: means a juvenile who has made an unauthorized flight from a facility to which he/she has been committed by the court.
- **Demanding State**: means, for purposes of the ICJ Return Articles, the state having jurisdiction over a juvenile seeking the return the juvenile either with or without pending delinquency charges.
Return of Juveniles

Definitions

- **Good Faith Effort**: means communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.
- **Guardian ad litem**: means a person who is appointed by the court to look after the best interest of the juvenile.
- **Home State**: means, for purposes of the ICJ Return Articles, the state of residence or origin.

Serving Juveniles While Protecting Communities

Return of Juveniles

Definitions

- **Holding State**: means, for purposes of the ICJ Return Articles, the state having physical possession of a juvenile.
- **Juvenile**: means any person within the juvenile jurisdictional age limit of any court in the home/sending state, or any individual adjudicated delinquent within the home/sending state and who remains under custodial care or community supervision of the juvenile authority.

Serving Juveniles While Protecting Communities

Return of Juveniles

Definitions

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

Serving Juveniles While Protecting Communities

Return of Juveniles

Definitions

- **Runaway**: means a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her home within home state or out of state, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody or supervision.
Escapees and Absconders

- Warrant must be entered into National Crime Information Center in order for another state to pick up juvenile.
  - Nationwide system
- When juvenile is detained on warrant, demanding state has two days to decide if juvenile will be returned. (Rule 6-112)
- Juvenile to be held in secure detention.

Consent for Voluntary Return

Rule 6-104

- The demanding state shall return all of its runaways, absconders and escapees who have legally consented to voluntarily return to the demanding state by signing Form III.
- The demanding state has 5 business days upon notification that juvenile has signed Form III to return juvenile to that state.
- When a juvenile runaway from another state is found in your jurisdiction, contact your Compact Office as soon as possible.

Juvenile Voluntary Return

- Form III – Voluntary Consent to Return
  - Due Process Form for juveniles consenting to voluntarily return.
  - Guardian Ad Litem appointed, if required.
  - Juvenile is informed of his/her rights by a judge with juvenile jurisdiction.
  - Juvenile signs.
  - Judge signs and upon advice, orders how the juvenile is to be returned to the home/demanding state (accompanied or unaccompanied).
  - Guardian Ad Litem signs, if appointed.
  - Complete the physical and clothing description.

- Juvenile Rights Form (Optional) is also filled out and made part of the juvenile’s record.
- Both forms are faxed to your Compact Office.
- The juvenile is given a copy of the form upon release.
Involuntary Return of Non-Delinquent Juveniles

The requisition process requires the custodial parent/legal guardian or agency of a non-delinquent runaway to file a petition in a court of juvenile jurisdiction in the home state. The juvenile may be in custody and is refusing to return or the juvenile’s whereabouts are known but he/she is not custody.

ICJ Form A – Petition for Requisition to Return a Runaway Juvenile is an optional form that can be used for this purpose:
- Whether this petition or another petition form is used, certified documentation showing entitlement to the juvenile must be attached.
- A hearing is scheduled in the home court.

ICJ Form I – Requisition for Non-Delinquent Runaway

If the judge in the demanding court agrees that the petitioner is entitled to the juvenile’s custody, the judge signs ICJ Form I, in triplicate.

Requisition Packet
- ICJ Form A – Petition for Requisition to Return a Runaway Juvenile or other Petition
- ICJ Form I – Requisition for Non-Delinquent Runaway
- 3 certified copies of documentation to verify that parent/guardian or agency is entitled to custody of juvenile
- Must show in NCIC in order for juvenile to be picked up and detained
- 2 original packets sent to the holding or asylum state

Holding/Asylum State
- Holding state schedules a hearing.
- Asylum state orders juvenile to be picked up (if not already in custody) and then a hearing held.
- Also see Rule 6-102.

Involuntary Return of Delinquent Juveniles & Alleged Delinquent

- ICJ Form II- Requisition for Escapee, Absconder or Juvenile Charged as Delinquent.
- Must file requisition- 3 certified copies of entitlement, e.g., probation or commitment order, warrant/violation from court, petition/allegation (for alleged delinquents).
- Must show in NCIC in order for juvenile to be picked up and detained.
- Holding state schedules a hearing (within 45 days).
- Also see Rule 6-103 and 6-107.

Involuntary Return Requisitioning Juveniles

- Judge in holding state determines whether requisition is in compliance and orders juvenile released or back to demanding state.
- If you file a requisition, you MUST return the juvenile.
- You are responsible for the accurate and timely filing of the requisition.
- During this time, juveniles are held in secure facility.
  - May not be an adult facility.
  - Holding state cannot be reimbursed for housing youth.
How Does the Juvenile get Home?

- Demanding state has 5 working days to effect juvenile’s return.
- Demanding state is responsible for travel costs. (Rule 6-109).

How Does the Juvenile Get Home?

- Juveniles who are requisitioned must be returned by escort from the demanding state. (Rule 6-110.2)
- Juveniles who are considered a danger to him/herself and/or others must be returned by escort from the demanding state. (Rule 6-110.2)
- Juveniles who are not considered a danger are eligible to return via commercial airliner by themselves. Airport supervision services can be accessed at most major airports to help ensure the safe return of these juveniles.
  - Consult your ICJ office to determine where and if supervision is offered.
- Your ICJ office will coordinate airport supervision services during flights with other states as needed. (Rule 6-115)

Your State’s ICJ Office (fill in)

- ICJ Contacts (include title)
  - His/Her phone number, contact info
- Support staff
  - Their contact information
- Your state’s statute information