

Interstate Compact for Juveniles

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The Basics

- RSMo 210.570
- DYS is Missouri's administering authority for ICJ (RSMo 219.016 #2)
- ICJ is the only legal process for returning runaways and transferring supervision of juveniles across state lines.
- Requirements of the ICJ extend to both state and county courts, probation authorities, paroling authorities and other agencies having responsibility for juveniles.

Purpose

- Cooperative supervision of delinquent juveniles that reside outside of their state of adjudication and/or commitment.
- The detainment and return of juveniles who have;
 - Run away and left their state of residence;
 - Absconded or escaped from supervision or control;
 - been accused of an offense by the state requesting their return.

Vocabulary

Supervision of Youth

- Parole – State Committed Youth (DYS)
- Probation – Court Youth

Return of Youth

- Runaway – In the custody of parents or CD
- Escape – Typically Court Committed
- Absconder – Youth under supervision that “runs away” from placement

Interstate Commission for Juveniles

- Interstate Commission for Juveniles - This body has the authority to manage rule making and compliance by member states.
- Each state party to the compact has one voting representative that serves on this commission.
- Rules adopted by the Interstate Commission have the force and effect of statutory law (RSMo 210.57. Article IV #2).

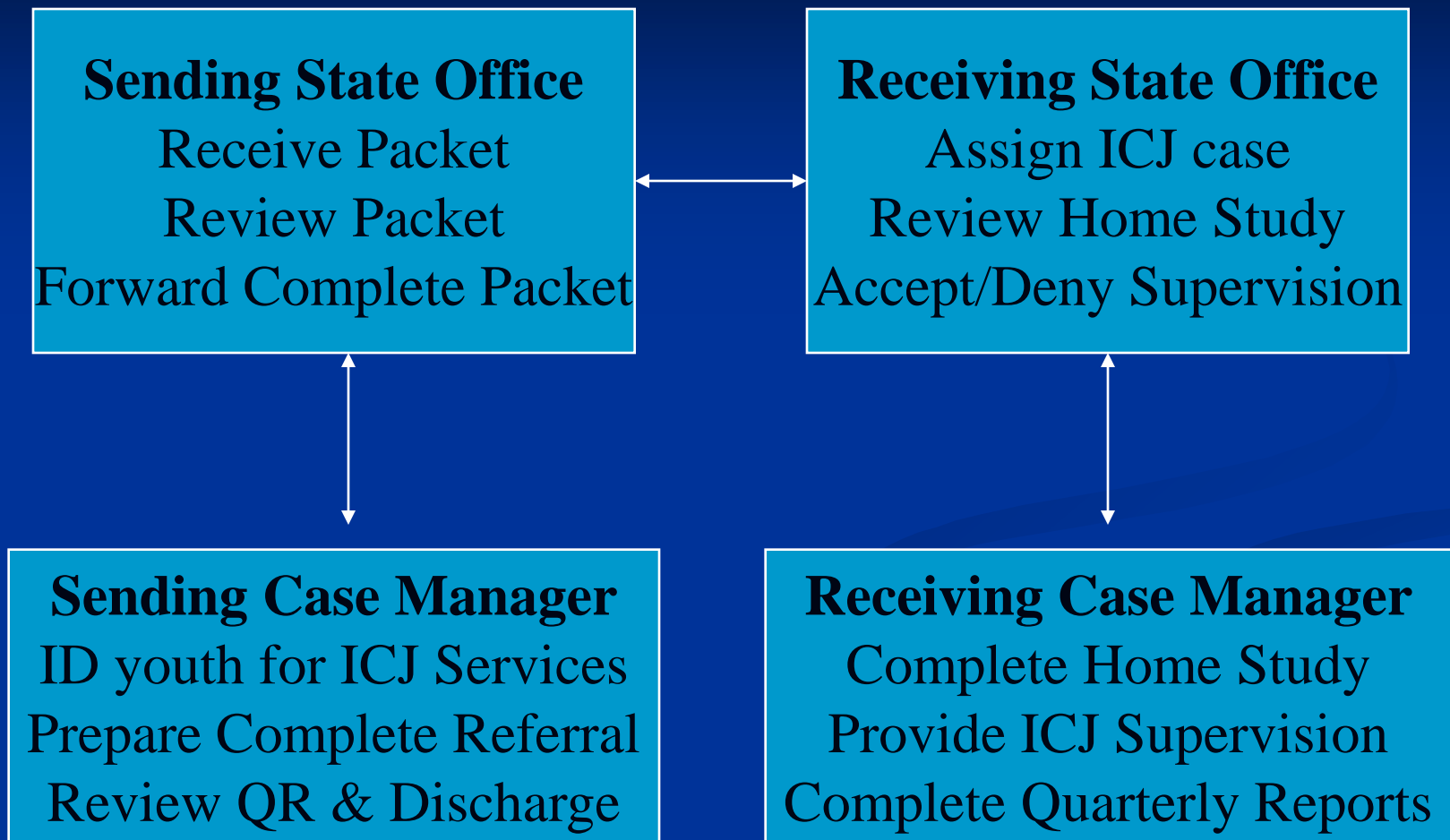
Interstate Compact for Juveniles

- All Compact member states can now be held liable for circumventing or violating the ICJ rules.
 - Remedial Training as directed by the Commission;
 - Dispute Resolution;
 - Fines, fees, and cost as determined by the Commission;
 - Suspension and/or termination of membership

Communication Requirements

- All communication is transmitted between each state's ICJ office.
- Local jurisdictions may communicate directly with the approval of both ICJ Offices.

COMMUNICATION FLOW



Transfer Supervision Eligibility Criteria

Persons Eligible for Transfer:

- classified as a “juvenile” by the sending state and is under the jurisdiction of a court or appropriate authority
 - Adjudicated delinquents, Adjudicated status offender, or has a deferred adjudication.
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- Length of Supervision Restrictions:
 - Must relocate for 90 consecutive days in receiving state
 - Have 90 days or more of supervision remaining
 - Must meet residential criteria

Transfer Supervision

Eligibility Criteria, cont.

- Juveniles eligible for transfer must meet the following residential criteria:
 - Reside with a parent, legal guardian, relative, non-relative or independently
 - Be enrolled as a full-time student at an accredited secondary school or accredited university, college, or licensed specialized training program
- Juveniles moving into residential facilities are not eligible for transfer under ICJ

Transfer of Supervision

- When possible, the request should be completed prior to the youth's placement.
- Includes: cover letter, **ICJ forms IA/VI & IV**, **court petitions**, **order of adjudication and disposition**, legal/social history, **conditions of probation**, school records, and other material as needed.
 - Those items listed in bold are required documents.

Transfer of Supervision

- Cover letter should include information such as the underlying circumstances of the placement, who has legal custody of the child, community services hours remaining, amount of restitution and address where payment should be sent.
- Packet can be sent to the ICJ office by email, mail or fax.
- If youth is placed prior to the case being accepted, please also include a copy of the travel permit.

Transfer of Supervision Sex Related Offense

- When transferring a juvenile with a sex related offense, the following documentation should be provided:
 - Assessment information;
 - Information relevant to the juvenile's criminal sexual behavior;
 - Victim information including gender, age, relationship to the juvenile;
 - Recommended supervision and safety plan.

Points to Remember when Transferring Supervision

- Jurisdiction of the juvenile remains with your court.
- The sending state is financially responsible for treatment services they have ordered if they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payer.
- Supervision for the sole purpose of collecting restitution is not a justifiable reason to open a case.
- Neither sending nor receiving state can impose a supervision fee.

Points to Remember

- Be sure to notify the family of the following:
 - If adjudicated for a sex related offense, the juvenile will be subject to the registration laws of the receiving state. This may include registration for an offense that did not require registration in MO and/or registration on a public registry.
 - Supervision standards are determined by the supervising state. The juvenile/family may be subject to drug testing, electronic monitoring, firearm and computer restrictions.



Home Evaluation

- Within 45 calendar days of receipt, the receiving state forwards the completed Form VIII.
 - Form is signed by appropriate authority
 - The receiving state may deny an unsuitable placement
 - Required to provide an explanation if there is a delay in forwarding the home evaluation

Authority to Deny Supervision

- A receiving state can deny supervision if:
 - Proposed placement is unsuitable, or
 - Juvenile is not in substantial compliance
- ICJ Rules allow an override of receiving state's authority to deny placement when there is no custodial parent or guardian in the sending state and a custodial parent or guardian does reside in the receiving state

Courtesy Supervision

- Quarterly Progress Reports
- Discharge/Closure
- Sending state has sole authority to discharge/terminate supervision

New Violations in the Receiving State

- The ICJ does not prohibit officials in a receiving state from filing new charges
- A juvenile may be charged in a receiving state without violating or interfering in the jurisdiction of the sending state
- Officials in a receiving state have two possible courses of action:
 - Request the sending state return their juvenile; or
 - Advise the sending state that they intend to proceed with new charges

Out of State Travel Notification

- Travel Permits
 - Visit/Vacation (youth will be returning to MO)
 - Testing placement (Plan is for youth to remain in receiving state if placement is successfully).
- Maximum length of permit is 90 calendar days.
- The sending agency is responsible for the juvenile while on a travel permit.

Out of State Travel Notification – cont.

- Travel Permits are mandatory when a visit will exceed 24 hours and the youth is adjudicated or the case circumstances include one of the following:
 - Sex related offense;
 - Violent offense that resulted in personal injury;
 - Offense committed with a weapon;
 - Juveniles testing placement who are subject to the terms of the compact.

Returning Juveniles

Situations Requiring Return

- A non-delinquent juvenile runs away to another state
- A juvenile is an escapee, absconder, or accused delinquent and is located out of state.
- A placement fails for a juvenile under Compact supervision

Release of a Non-delinquent Juvenile to Parent/Guardian

- Authorities may release a juvenile to their parent/legal guardian within 24 hours(excluding weekend & holidays) without applying Rule 6-102.
 - Exception to this rule are instances when abuse/neglect is suspected.
- Once determined that the juvenile is a non-delinquent runaway. A call should be made to the parent/legal guardian to pick-up.
- If parents are unable to pick youth up within the 24-hour period, the ICJ office should be contacted and a Form III hearing scheduled.

Voluntary Return of Out-of-State Juveniles

- Contact the ICJ office upon taking a youth into custody.
- Hold juvenile in a secure detention.
- Take youth before a juvenile judge to be advised of his/her rights. (There is an optional Juvenile Rights form available.)
- If willing to voluntarily return, the juvenile judge and youth shall sign the ICJ form III.

Voluntary Return of Out-of State Juveniles - continued

- On the ICJ form III, please provide a detailed clothing/physical description. The clothing description should be limited to what the youth will be wearing the day of his/her return.
- Fax signed form III to ICJ office. The DCA will work with the requesting states DCA to arrange for his/her return.

Return of Juvenile

- The home/demanding state's Interstate Compact on Juveniles office shall ensure the return of its juveniles within five (5) working days after confirmed notification from the holding state's Interstate Compact on Juveniles office that due process rights have been met
- Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding state.

Return of Juvenile

- Please provide ample time to transport youth to the airport, check all baggage, and remove handcuffs and/or shackles before entering the airport. **Youth arriving in handcuffs and/or shackles will not be allowed to board.**
- Holding states shall not be reimbursed for detaining juveniles under the provisions of the Interstate Compact on Juveniles unless the home/demanding state's Interstate Compact on Juveniles office does not demonstrate a good faith effort to return its juveniles within five (5) working days (Rule 6-113 #2).

Non-Voluntary Return

- If youth refuses to sign the Form III a requisition will be necessary.
- Notify the ICJ office of youth's refusal to sign.
- The ICJ office will request a requisition from the home state.
- Once received, the requisition will be reviewed by the presiding judge. If found to be in order, the judge shall order his/her return to the home/demanding state.
- Juveniles who are requisitioned shall be accompanied on the return to the home/demanding state (by demanding state).

Points to Remember

- An individual's status as a juvenile is determined by the law of the requesting state. Every effort should be made to treat him/her as they would be treated in the requesting state.
- Out of State Runaways and youth over the age of 17 can be held in a secure juvenile detention facility for return through ICJ.
- Pending charges in the holding state should be resolved before youth is allowed to return.
- All forms can be found on the Interstate Commission webpage at www.juvenilecompact.org

Out-of-State Runaways

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

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Adults Under the Jurisdiction of the Juvenile Court

- An adult held for a delinquency proceeding can be held in a juvenile detention center or a juvenile training school. For example, if a 17-year-old juvenile committed a burglary and was charged with this delinquent offense at age 18, he or she could be held in a juvenile detention center. This does not violate the separation requirement because the 18-year-old adult has neither been “convicted of a criminal charge offense nor awaiting trial on criminal charges.”

Office of Juvenile Justice and Delinquency Prevention – Compliance Monitoring

Questions?