# Interstate Compact for Juveniles (ICJ)

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# ICJ History

## 1955 Compact

In 1954, Congress was spurred to action to address concerns regarding "a vast army of wandering kids being shuttled from place to place."

Parade Magazine article, "Nobody's Children: How America's teenagers get around." Parade Article

Creation of the 1955 Original Compact

## New Compact

In 1999, a survey was conducted and found a lack of uniformity.

In 2000, a Compact Advisory Group was developed.

In 2001, a revised Compact was drafted.

In 2008, the requisite number of states enacted the new compact. And is now been adopted in 52 jurisdictions.

**Wisconsin ICJ Statute was signed into law on March 30, 2006.**

**Wis. Stats. 938.999**

# Binding Compact

The Compact controls over individual state law and must be given full force and effect by the courts.

When state law and the Compact conflict, courts are required under the Supremacy Clause and as a matter of contract law to apply the terms and conditions of the Compact to a given case.

# State Compact Offices

## What do they do?

Coordinate the transfer of supervision

Arrange the return of runways, escapees, absconders, and accused delinquents

Provide notification for out of state travel

Educate courts, agencies, and law enforcement personnel

Ensure compliance with ICJ Rules

Resolve disputes

# ICJ Rules

LINK

# ICJ Definitions

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult.

Runaway: persons within the juvenile jurisdictional age limit established by the home state who (1) have voluntarily left their residence without permission of their legal guardian or custodial agency or (2) refuse to return to their residence as directed by their legal guardian or custodial agency, but who may or may not have been adjudicated.

# Transfer of Supervision (TOS)

# General Eligibility Consideration

Classified as a juvenile in the sending state.

Adjudicated delinquent, adjudicated status offender (JIPS), or has a deferred adjudication in the sending state.

- Consent Decrees are eligible
- Deferred Adjudications/DPA's only eligible if done within the court

Under the jurisdiction of a court or appropriate authority in the sending state.

Minimum length of supervision requirements met-must have 90 days remaining

Proposed transfer not merely for purposes of collecting restitution.

Minimum residential requirements met.

# Residential Requirements

Resides with:

- Legal Guardian
- Relative
- Non-relative
- Independently

*Excluding residential facilities-this would fall under ICPC

Is a full-time student at:

- Accredited secondary school
- Accredited university
- College
- Licensed specialized training program

*Must provide proof of acceptance and enrollment

# ICJ and ICPC

Can a juvenile be under both ICJ and ICPC at the same time-YES!

When a transfer of supervision is being completed please make sure to let both ICJ and ICPC know

Both ICJ and ICPC have to accept the Transfer of Supervision in order for case to be approved

# Sending Parole Referrals

Submit referral documents ***45 days prior to anticipated arrival***

Items included in referral packet:

- ✓ Form IV (4) Parole/Probation Investigation Request
- ✓ Form VI (6) Application for Services and Waiver
- ✓ Order of Commitment
- ✓ Cover Letter
- ✓ Petition / Arrest Reports
- ✓ Legal & Social History
- ✓ Parole Conditions
- ✓ Supervision History if on supervision for more than 30 days
- ✓ Travel Permit-if proceeding prior to acceptance (exceptions)

# Sending Probation Referrals

Submit referral documents ***prior to juvenile's relocation***

Items included in referral packet:

- ✓ Form IV (4) Parole/Probation Investigation Request
- ✓ Form VI (6) Application for Services and Waiver
- ✓ Order of Adjudication and Disposition
- ✓ Cover Letter
- ✓ Conditions of Probation
- ✓ Petition / Arrest Reports
- ✓ Legal & Social History
- ✓ Supervision History if on supervision for more than 30 days
- ✓ Any other pertinent information
- ✓ Travel Permit-if proceeding prior to acceptance

# Sending Sex Offender Referrals

**May not travel into receiving state unless:**
***Request for transfer approved***
***Receiving state issues reporting instructions***
***Transfer request qualifies for exception transfer***

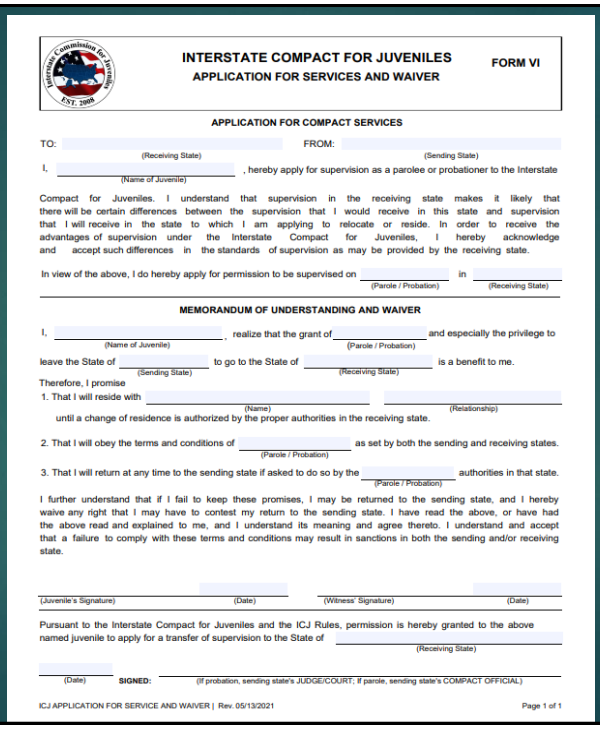
Additional items needed for referral packet:

- ✓ Risk assessment
- ✓ Safety plan
- ✓ Victim information
- ✓ Treatment plan

# Form VI (6) Common Questions

Probation Cases-Judge need to sign Form VI
Parole Cases-ICJ Office needs to sign Form VI

- ✓ Can be signed without Juvenile/Witness Signature-if they are already out of state
- ✓ UNITY will allow sending state to request the Form VI is signed by Juvenile and Witness-Under Referral Section
- ✓ TOS cannot be sent without the Judge or ICJ Office signatures on Form VI



**INTERSTATE COMPACT FOR JUVENILES** **FORM VI**
**APPLICATION FOR SERVICES AND WAIVER**

**APPLICATION FOR COMPACT SERVICES**

TO: _____ (Receiving State) FROM: _____ (Sending State)

I, _____ (Name of Juvenile), hereby apply for supervision as a parolee or probationer to the Interstate Compact for Juveniles. I understand that supervision in the receiving state makes it likely that there will be certain differences between the supervision that I would receive in this state and supervision that I will receive in the state to which I am applying to relocate or reside. In order to receive the advantages of supervision under the Interstate Compact for Juveniles, I hereby acknowledge and accept such differences in the standards of supervision as may be provided by the receiving state.

In view of the above, I do hereby apply for permission to be supervised on _____ (Parole / Probation) in _____ (Receiving State)

**MEMORANDUM OF UNDERSTANDING AND WAIVER**

I, _____ (Name of Juvenile), realize that the grant of _____ (Parole / Probation) and especially the privilege to leave the State of _____ (Sending State) to go to the State of _____ (Receiving State) is a benefit to me.

Therefore, I promise

1. That I will reside with _____ (Name) _____ (Relationship) until a change of residence is authorized by the proper authorities in the receiving state.
2. That I will obey the terms and conditions of _____ (Parole / Probation) as set by both the sending and receiving states.
3. That I will return at any time to the sending state if asked to do so by the _____ (Parole / Probation) authorities in that state.

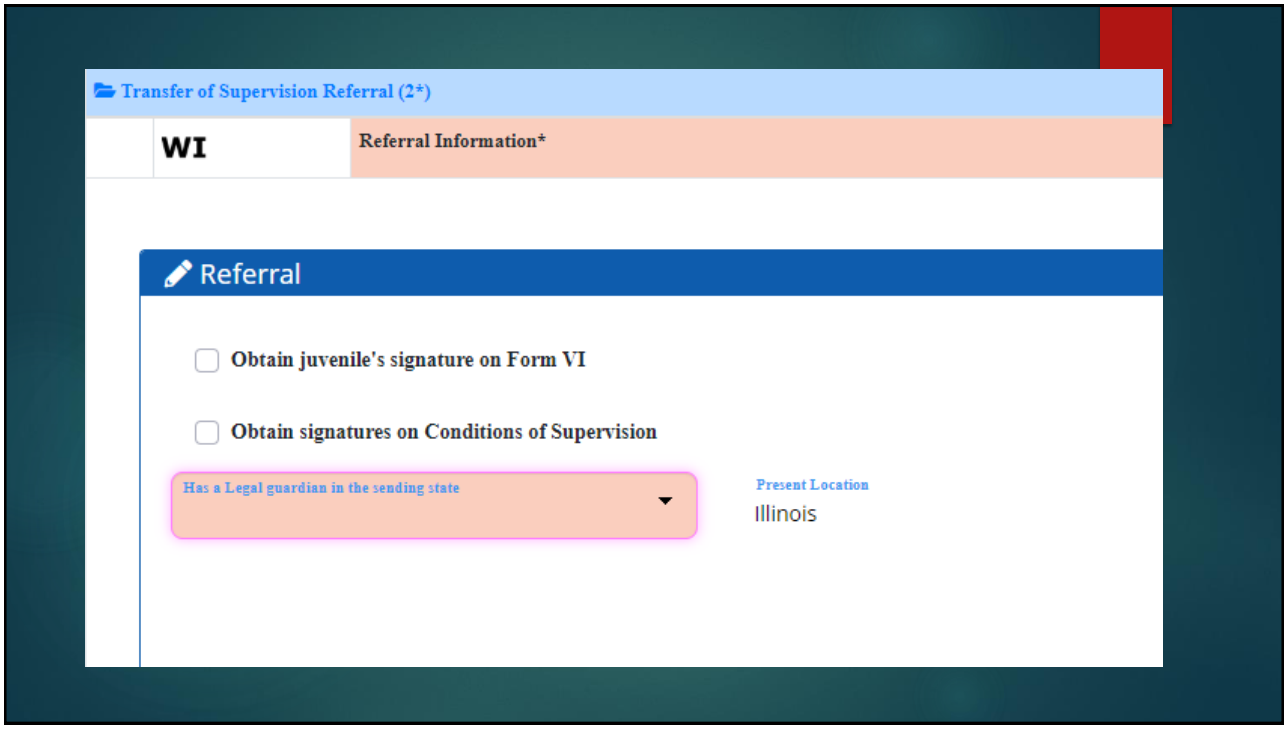
I further understand that if I fail to keep these promises, I may be returned to the sending state, and I hereby waive any right that I may have to contest my return to the sending state. I have read the above, or have had the above read and explained to me, and I understand its meaning and agree thereto. I understand and accept that a failure to comply with these terms and conditions may result in sanctions in both the sending and/or receiving state.

_____ (Juvenile's Signature) _____ (Date) _____ (Witness' Signature) _____ (Date)

Pursuant to the Interstate Compact for Juveniles and the ICJ Rules, permission is hereby granted to the above named juvenile to apply for a transfer of supervision to the State of _____ (Receiving State)

_____ (Date) **SIGNED:** _____ (If probation, sending state's JUDGE/COURT; If parole, sending state's COMPACT OFFICIAL)

ICJ APPLICATION FOR SERVICE AND WAIVER | Rev. 05/13/2021 Page 1 of 1




# Change of Residence

**MEMORANDUM OF UNDERSTANDING AND WAIVER**

I, _____ (Name of Juvenile), realize that the grant of _____ (Parole / Probation) and especially the privilege to leave the State of _____ (Sending State) to go to the State of _____ (Receiving State) is a benefit to me.

Therefore, I promise

1. That I will reside with _____ (Name) _____ (Relationship) until a change of residence is authorized by the proper authorities in the receiving state.

# Exception-Sending Referrals

If a paroled juvenile or juvenile sex offender requires out-of-state supervision prior to acceptance of supervision:

- Juvenile cannot leave the sending state prior to acceptance unless no legal guardian remains in the sending state, but does reside in the receiving state
- The sending state shall determine if the circumstances of the juvenile's immediate relocation justify the use of a travel permit, including appropriateness of residence.

# Sending State Responsibilities

Determine if circumstances for immediate relocation justify using a travel permit

Consider the appropriateness of the residence

Provide an approved travel permit

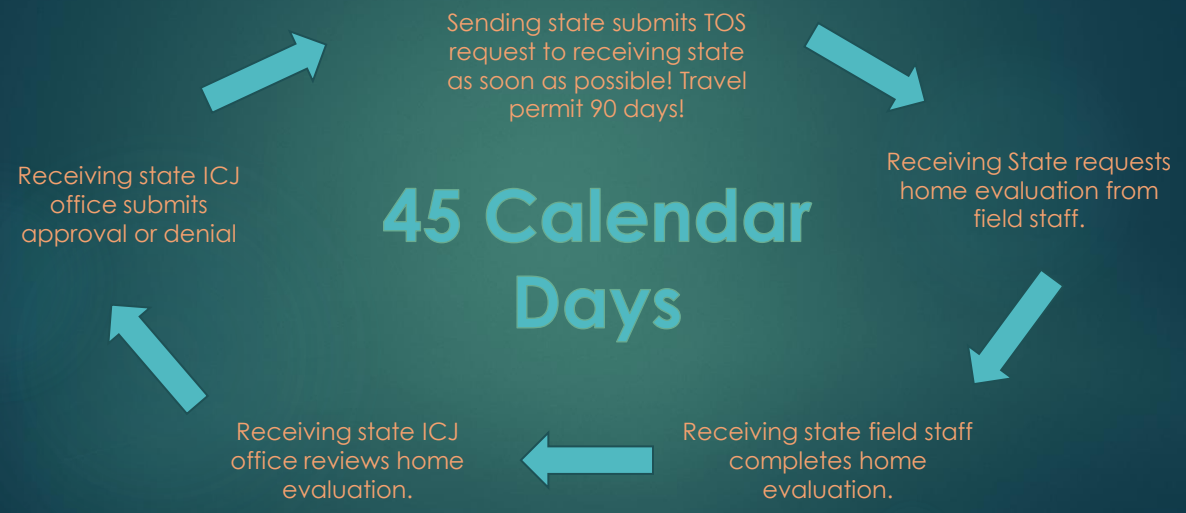
Provide a written explanation why ICJ procedures could not be followed

Submit ICJ referral within 10 business days of issuing a travel permit

Communication registration and/or reporting requirements to the youth/family

Maintain responsibility until receiving state accepts supervision-Explain how on travel permit - example bi-weekly phone calls

## Sending and Receiving Referrals




# Rule 4-104
## Authority to Accept/Deny Supervision

Supervision shall be accepted unless 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 sate and the juvenile does have a legal guardian residing in the receiving state.

# Transfer of Supervision Accept/Deny

Only ICJ office can officially accept or deny supervision

If the transfer of supervision in the receiving state is denied, the sending state must retake the juvenile within 5 business days

# Supervision/Service Requirements

Upon acceptance, assume duties of supervision and provide supervision by the same standards of supervision of our own juveniles.

Any costs imposed by the receiving state shall not be the responsibility of the sending state. The sending state is responsible for treatment services ordered by the appropriate authority in the sending state that are not available through the supervising agency in the receiving state or cannot be obtained through insurance.

Minimum of Quarterly Progress Reports (QPR) or when concerns arise/change in residence

# Direct Communication

All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices.

**AND**

Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. A summary of communication shall be provided to the ICJ Office and documented in the electronic data system.

# Violation Reports

If a juvenile is out of compliance at any time during supervision, the receiving state shall notify the sending state with a violation report as soon as possible.

The sending state will have 10 business days to respond to a violation report.

Ensure you are submitting all information possible! This many times is used in courts in determining how to proceed forward to include revocation.

# Absconder Report

If the juvenile is not located, the receiving state shall submit a Form IX (9) Absconder Report to the sending state's ICJ office which shall include the following information:

a. the juvenile's last known address and telephone number,

b. date of the juvenile's last personal contact with the supervising agent,

c. details regarding how the supervising agent determined the juvenile to be an absconder, and

d. any pending charges in the receiving state.

The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.

# Travel Permits

*Make sure to upload signed copy into UNITY*

**Shall be submitted prior to the juveniles travel. Travel permits shall be mandatory for the following juveniles traveling out of state for a period in excess of 24 consecutive hours:**

Juveniles adjudicated for:

- Sex-related offenses
- Violent offenses that have resulted in personal injury or death
- Offenses committed with a weapon

**OR**

Juveniles who are:

- State committed
- Testing residence and subject to ICJ
- Returning to sending state
- Transferring to subsequent state

# Travel Permits and Supervision

Sending state is responsible for supervision

If travel permit is over 30 days specific instructions should be provided to juvenile/family and be listed on the travel permit as to how contact with the supervising agency is going to be maintained. Example-Bi-weekly phone calls

# Runaway/Returns

## Non-Delinquent Runaways

May be released to parent/legal guardian or custodial agency within the first twenty four (24) hours excluding weekends and holidays without applying the Compact.

If the non-delinquent juvenile remains in custody beyond 24 hours, the ICJ office shall be contacted.

**Voluntary vs. Non-Voluntary Returns**

## Absconders, Escapees, or Accused Delinquents

If there is an active warrant, the juvenile shall be detained in a secure facility.

Contact ICJ Office immediately to initiate measures to determine juveniles residency and judicial facts in the home state.

# Runaways and Accused Status Offenders

Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.

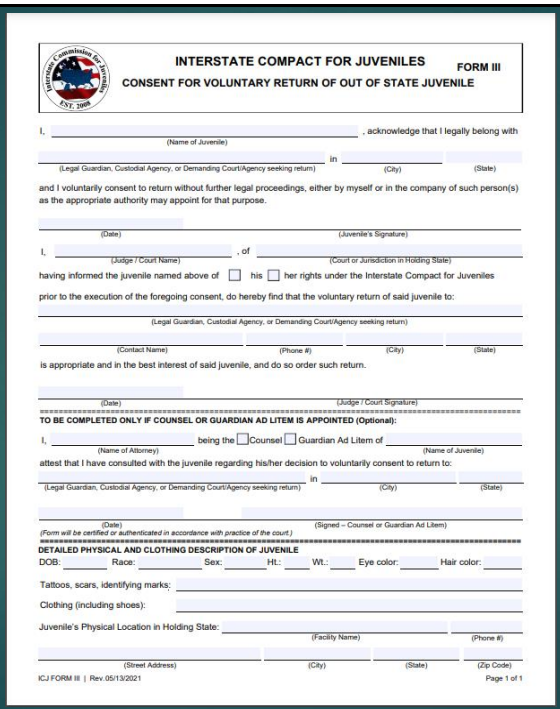
# Secure Detention

ICJ Rule 1-101 defines "Runaways" as "persons within the juvenile jurisdictional age limit established by the home state who (1) have voluntarily left their residence without permission of their legal guardian or custodial agency or (2) refuse to return to their residence as directed by their legal guardian or custodial agency but who may or may not have been adjudicated." Pursuant to ICJ Rules 6-101, 6-102, and 6-103, a non-delinquent runaway may be securely detained to allow such juvenile to be safely returned to a parent or guardian having custody of the youth.

The JJDPA expressly creates an exemption to the deinstitutionalization of status offenders and permits detention of *"a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State;"* see 34 U.S.C. 11133(a)(11)(A)(III). Moreover, there is no specific time frame set forth in the above provision. Section 34 U.S.C. 11133(a)(11)(A)(III) clearly allows such detention as long as the juvenile is being "held in accordance with the Interstate Compact on Juveniles." This includes the duly authorized administrative rules promulgated under the authority of the ICJ.

# Next Steps

- Court hearing is held in holding state and the juvenile is informed of due process.
- If juvenile agrees to return the Form III is signed and juvenile shall be returned by the home state in a safe manner within 5 business days.
- If juvenile refuses to voluntarily return a requisition will be submitted to the court and must be completed within 60 days - if in custody.
- Once the order is granted for requisition the juvenile will need to be returned within 5 business days.



**INTERSTATE COMPACT FOR JUVENILES** **FORM III**

**CONSENT FOR VOLUNTARY RETURN OF OUT OF STATE JUVENILE**

I, _____ (Name of Juvenile), acknowledge that I legally belong with

_____ (Legal Guardian, Custodial Agency, or Demanding Court/Agency seeking return) in _____ (City) _____ (State)

and I voluntarily consent to return without further legal proceedings, either by myself or in the company of such person(s) as the appropriate authority may appoint for that purpose.

_____ (Date) _____ (Juvenile's Signature)

I, _____ (Judge / Court Name), of _____ (Court or Jurisdiction in Holding State)

having informed the juvenile named above of ☐ his ☐ her rights under the Interstate Compact for Juveniles

prior to the execution of the foregoing consent, do hereby find that the voluntary return of said juvenile to:

_____ (Legal Guardian, Custodial Agency, or Demanding Court/Agency seeking return)

_____ (Contact Name) _____ (Phone #) _____ (City) _____ (State)

is appropriate and in the best interest of said juvenile, and do so order such return.

_____ (Date) _____ (Judge / Court Signature)

**TO BE COMPLETED ONLY IF COUNSEL OR GUARDIAN AD LITEM IS APPOINTED (Optional):**

I, _____ (Name of Attorney) being the ☐ Counsel ☐ Guardian Ad Litem of _____ (Name of Juvenile)

attest that I have consulted with the juvenile regarding his/her decision to voluntarily consent to return to:

_____ (Legal Guardian, Custodial Agency, or Demanding Court/Agency seeking return) in _____ (City) _____ (State)

_____ (Date) _____ (Signed – Counsel or Guardian Ad Litem)

*(Form will be certified or authenticated in accordance with practice of the court.)*

**DETAILED PHYSICAL AND CLOTHING DESCRIPTION OF JUVENILE**

DOB: _____ Race: _____ Sex: _____ Ht.: _____ Wt.: _____ Eye color: _____ Hair color: _____

Tattoos, scars, identifying marks: _____

Clothing (including shoes): _____

Juvenile's Physical Location in Holding State: _____ (Facility Name) _____ (Phone #)

_____ (Street Address) _____ (City) _____ (State) _____ (Zip Code)

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# Other Important Information

If allegations of **abuse/neglect**, states shall follow its procedures for reporting and investigating allegations of abuse or neglect of juveniles. The ICJ office shall be informed right away.

If the juvenile has **pending charges**, the charges shall be resolved prior to returning.

The home demanding state is **responsible making travel arrangements** and **cost of transportation**.

The holding state **shall not be reimbursed for detaining** or transporting to airport.

# Warrants

## ICJ Rule 7-104

All warrants issued for juveniles subject to the Compact shall be **entered in the National Crime Information Center (NCIC)** with a **nationwide pickup radius** and **not eligible for bond**.

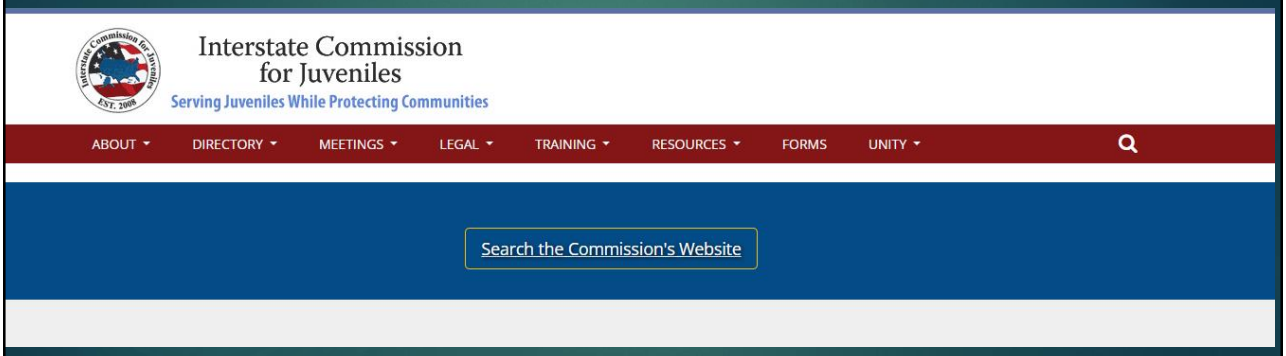
# State Councils

The State Council and its members serve in advisory, advocacy and oversight roles within the state.

Must include: at least one representative from the legislative, executive and judicial branches of government, victim groups, other community interest groups, and the Compact Administrator, Deputy or Designee

# National Website

https://juvenilecompact.org/



# ICJ Contact

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