

Current AJCA Rules

**AJCA RULES AND REGULATIONS 2002
INTERSTATE COMPACT ON JUVENILES**

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SECTION 100
STAFF APPOINTMENT-QUALIFICATIONS-TRAINING-ACCESSIBILITY

RULE 1-101: APPOINTMENT

Each state and other governmental entity party to the Interstate Compact on Juveniles shall assign an adequate number of staff to effectively administer the provisions of the Interstate Compact on Juveniles.

RULE 1-102: QUALIFICATIONS

Each state and other governmental entity party to the Interstate Compact on Juveniles shall assign staff who possess a working knowledge of the juvenile justice system and who are professionally competent and qualified.

RULE 1-103: ATTENDANCE

Each Interstate Compact on Juveniles Administrator shall encourage and permit staff to attend and participate in state, regional, and national professional conferences and meetings.

The Interstate Compact on Juveniles Administrator or designee must attend annual Association of Juvenile Compact Administrators meetings to be eligible to vote on Compact matters.

RULE 1-104: STATE LEVEL TRAINING

Each state and other governmental entity party to the Interstate Compact on Juveniles shall ensure that at least one staff member assigned to the Interstate Compact on Juveniles has attended the Association of Juvenile Compact Administrators-level training sponsored by the Association of Juvenile Compact Administrators.

RULE 1-105: LOCAL PROVIDER TRAINING

Each state and other governmental entity party to the Interstate Compact on Juveniles shall provide training for that state's/governmental entity's local professional juvenile justice providers/field staff. Training shall be provided by staff who have completed the Association of Juvenile Compact Administrators Administrator-level training.

RULE 1-106: AGENCY SUPPORT

The Interstate Compact Administrator or designee shall explain and discuss the content and intent of the Interstate Compact on Juveniles to local judges, probation and parole officers, law enforcement officials, prosecutors, defense attorneys and other youth-serving professionals and agencies.

RULE 1-107: STAFF ACCESSIBILITY

Each state and other governmental entity party to the Interstate Compact on Juveniles shall ensure that staff assigned to administer the Interstate Compact on Juveniles shall be accessible by telephone during normal business hours.

RULE 1-108: STATISTICS

Each ICJ office shall compile and report statistics on an annual basis using the AJCA Annual Report Form. This form shall be submitted to the AJCA Secretary by August 1st.

**SECTION 200
FORMS**

RULE 2-101: APPROVED FORMS

The following forms have been approved and adopted by the Association of Juvenile Compact Administrators, and shall be used as appropriate in all cases processed through the Interstate Compact on Juveniles:

- Form IA/VI (Application for Compact Services/Memorandum of Understanding and Waiver)
- Form I (Requisition for Runaway Juvenile/Child Removed From Jurisdiction of Court)
- Form II (Requisition for Escapee or Absconder/Juvenile Charged with Being Delinquent)
- Form III (Consent for Voluntary Return by Runaway, Escapee or Absconder)
- Form IV (Parole or Probation Investigation Request)
- Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
- Form A (Petition for Requisition to Return a Runaway Juvenile)
- Out-of-State-Travel Permit and Agreement to Return

AJCA Annual Report Form

Applications prepared on other than officially approved forms may be returned for revision. Official forms may be found at www.ajca.org

RULE 2-102: OPTIONAL FORMS

Although home evaluations and quarterly progress reports are mandatory, use of the following forms is optional:

- Home Evaluation Report
- Quarterly Progress Report

RULE 2-103: REVISION/MODIFICATION OF FORMS

1. Forms approved and adopted by the Association of Juvenile Compact Administrators may not be changed, altered or otherwise modified except upon approval of the Association of Juvenile Compact Administrators. No state or other governmental entity party to the Interstate Compact on Juveniles may change, alter or otherwise modify any form that has been approved and adopted for use by the Association of Juvenile Compact Administrators.
2. No other forms may be substituted as Approved Forms.

**SECTION 300
ELIGIBILITY FOR COOPERATIVE SUPERVISION**

RULE 3-101: ADJUDICATED JUVENILES

Juveniles adjudicated delinquent and placed on probation, and committed juveniles who are paroled or on aftercare, are eligible for supervision and services under the Interstate Compact on Juveniles. An individual's status as a juvenile depends on the law in the sending state, and shall be provided supervision by the appropriate juvenile authority in the receiving state.

RULE 3-102: STATUS OFFENDERS

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,

are eligible for services pursuant to the provisions of the Interstate Compact on Juveniles.

RULE 3-103: EMANCIPATED JUVENILES

Emancipated juveniles are not eligible for services pursuant to the provisions of the Interstate Compact on Juveniles. However, if an emancipated juvenile leaves the state of emancipation, goes to another state, is placed on juvenile probation/parole, and the parent lives in the state of emancipation and chooses to accept the juvenile back into the home, the home state of emancipation then must accept supervision.

RULE 3-104: NON-ADJUDICATED JUVENILES

All juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision are eligible for services pursuant to the provisions of the Interstate Compact on Juveniles.

**SECTION 400
ARTICLE VII:
COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES**

RULE 4-101: PROCESSING REFERRALS

Each state and other governmental entity party to the Interstate Compact on Juveniles shall process all referrals involving juveniles for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.

RULE 4-102: SENDING AND RECEIVING REFERRALS

Based on staff availability, each Interstate Compact on Juveniles office shall forward all its cases within five (5) working days of receipt.

Each Interstate Compact on Juveniles office shall adhere to the following screening process when sending and receiving referrals:

1. Each Interstate Compact on Juveniles office shall ensure all referrals and correspondence between states originate from the Interstate Compact on Juveniles office in the sending state.

2. The Interstate Compact on Juveniles office in the sending state shall ensure that the following referral documents are complete and forwarded to the receiving state in duplicate: Form IA/VI, Form IV, Order of Adjudication and Disposition, Conditions of Probation, Legal and Social History (if available), Petition and/or Arrest Report, and any other pertinent information deemed to be of benefit to the receiving state.
NOTE: Parole conditions shall be forwarded to the receiving state upon the juvenile's release from an institution.
3. The sending state shall be responsive in forwarding additional documentation at the request of the receiving state.
4. The receiving state's Interstate Compact on Juveniles office shall request its local offices to complete a home evaluation within twenty (20) working days after the local office has received the request.
5. The receiving state's Interstate Compact on Juveniles office shall, within thirty (30) working days of receipt of the referral, make every effort to forward to the sending state the home study report along with the final approval or disapproval of the request for cooperative supervision.

RULE 4-103: AUTHORITY TO ACCEPT/DENY SUPERVISION

1. Only the receiving state's Interstate Compact on Juveniles administrator or designee authorizes or rejects (denies) supervision of a juvenile by that state.
2. Supervision cannot be denied or disapproved based solely on the juvenile's age or the offense.
3. Supervision cannot be denied or disapproved when the juvenile will reside in the state where the parent, guardian or person entitled to legal custody resides according to Article VII.
4. Supervision may be denied when the juvenile will reside with a non-custodial person, and the parent, guardian or person entitled to legal custody does not reside in that state according to Article VII.
5. Upon receipt of an acceptance from the receiving state, and within five (5) working days prior to the juvenile's departure, the sending state shall provide reporting instructions to the juvenile; and provide written notification of the juvenile's departure to the receiving state.

RULE 4-104: TRANSFER OF SUPERVISION PROCEDURES

1. Supervision shall not transfer to another state without verbal or written approval from the Interstate Compact on Juveniles office in the receiving state. All verbal approvals shall be followed-up with written approval within ten (10) working days after the date the verbal approval was granted.
2. When it appears necessary to request an emergency transfer of supervision, the sending state's Interstate Compact on Juveniles office shall be responsible for verifying that an emergency actually exists. If so, referral information should be provided to the receiving state's Interstate Compact on Juveniles office as expeditiously as possible, along with an explanation of the nature of the emergency.

RULE 4-105: COOPERATIVE SUPERVISION/SERVICES REQUIREMENTS

1. Each receiving state will assume the duties of visitation and of supervision over any delinquent juvenile which it has accepted for cooperative supervision, and in exercise of those duties will be governed by the same standards of visitation and supervision that prevails for its own delinquent juveniles released on probation or parole.
2. Each state and other governmental entity party to the Interstate Compact on Juveniles, when it is determined to be in the best interest of the public and the juvenile under supervision, may enter into an agreement with adult probation/parole or a private provider in its respective jurisdiction in order to provide the level of supervision and services that is intended by the sending state.
3. The receiving state shall furnish written progress reports on a quarterly basis.
4. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the Interstate Compact on Juveniles.
5. The sending state shall be financially responsible for the treatment services required by the sending state.
6. The receiving state determines the type and quality of supervision.
7. The age of majority and duration of supervision are determined by the sending state.

RULE 4-106: TRAVEL PERMITS

The purpose of this section is for the protection of the public. Travel permits shall be mandatory in the following instances:

1. Travel Permits and Agreement to Return shall be issued for the purpose of testing a proposed placement. The permit shall not exceed thirty (30) days, with a referral packet to be received by the receiving state's Interstate Compact on Juveniles office within thirty (30) days of youth's arrival.
2. Travel Permits and Agreement to Return shall be issued to juvenile probationers and parolees for visits/vacations whose adjudicating offense includes, but is not limited to the following:
 - a. Sex offenses
 - b. Violent offenses that have resulted in personal injury or death.
 - c. Offenses committed with a weapon.
3. Travel permits shall contain instructions requiring the probationer or parolee to return to the sending state. A travel permit is required if a visit will exceed forty-eight (48) hours. The maximum length of a stay, under these conditions, shall not exceed thirty (30) days.
4. Authorization for out-of-state travel will be approved by the probation officer, parole officer or court designee supervising the youth in the sending state. The authorized travel permit shall be provided through the normal Interstate Compact on Juveniles channels prior to youth movement.

RULE 4-107: ARTICLE X: SUPPLEMENTARY AGREEMENTS

1. Interstate Compact on Juveniles Administrators in both the sending and receiving states must approve all Interstate Compact on Juveniles placements in public institutions.
2. Supervision of juveniles placed in private facilities will not be administered through the Interstate Compact on Juveniles.
3. States and/or governmental entities party to the Interstate Compact on Juveniles shall formulate written agreements with another state when placing juveniles in public institutions in that state.
4. Article X applies to the placement of delinquent juveniles in public institutions. When a state wishes to enter into care, treatment and rehabilitation with another state for the purpose of an institutional placement of a delinquent juvenile, there

shall be an individual agreement between said states. Written details must be provided for as specified in Article X through a supplementary agreement. In order to invoke the provisions of Article X, the juvenile must be in the home state/state of jurisdiction.

RULE 4-108: COMMUNICATION REQUIREMENTS BETWEEN STATES

1. All communications between states, whether verbal or written, on Interstate Compact on Juveniles issues shall be transmitted between the respective Interstate Compact on Juveniles offices.
2. Communication may occur between local jurisdictions with the approval of the Interstate Compact on Juveniles offices in both states.
3. Communication regarding Interstate Compact on Juveniles business shall respect the confidentiality rules of the receiving state unless otherwise requested by the sending state.

RULE 4-109: CLOSURE OF CASES

1. The sending state has sole authority to discharge/terminate its juveniles.
2. Cases which terminate due to expiration of a court order or upon expiration of the period of parole may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order.
3. The receiving state may submit to the sending state a request for release from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. The sending state will forward a copy of the discharge report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide an explanation why the juvenile cannot be released from probation/parole.

Supervision for the sole purpose of collecting restitution is not a justifiable reason to continue to maintain an open ICJ case when all other terms and conditions of probation/parole have been completed.

4. Files of closed cases shall be maintained in the Interstate Compact on Juveniles

office for one (1) year after closure before they can be destroyed.

RULE 4-110: VICTIM NOTIFICATION

Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state. The sending state shall request information as necessary to fulfill victim notification requirements. The receiving state will respond to the requests from the sending state within five (5) working days.

**SECTION 500
SPECIAL POPULATIONS**

RULE 5-101: SEX OFFENDER NOTIFICATION

The sending state is responsible to notify the receiving state of any requests for supervision of any adjudicated sex offender.

**SECTION 600
ARTICLES II, IV, V, VI, VII, AND THE RUNAWAY, RENDITION,
OUT-OF-STATE CONFINEMENT AMENDMENTS:
RETURNS UNDER THE INTERSTATE COMPACT ON JUVENILES**

RULE 6-101: ARTICLE II, EXISTING RIGHTS AND REMEDIES

Article II may be used prior to initiation of formal court proceedings.

RULE 6-102: ARTICLE IV, RETURN OF RUNAWAYS

1. Article IV(a) of the Interstate Compact on Juveniles provides a requisition procedure for the return of non-delinquent runaways who are found in states other than their home state. The home state's Interstate Compact on Juveniles office will contact the appropriate authorities in the home state to qualify their runaways for return.
2. Non-delinquent runaways who are endangering themselves or others shall be held in secure facilities until returned by the home states.

RULE 6-103: ARTICLE V, RETURN OF ESCAPEES AND ABSCONDERS

The home state's Interstate Compact on Juveniles office shall ensure the accurate preparation and timely delivery of requisitions to return of all its absconders and escapees who refuse to voluntarily return.

RULE 6-104: ARTICLE VI, VOLUNTARY RETURN PROCEDURE

1. The home state's Interstate Compact on Juveniles office shall return all of its runaways, absconders, and escapees who have legally consented to voluntarily return to the home state.
2. The home state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each Interstate Compact on Juveniles office shall have policies in place involving the return of non-delinquent and delinquent juveniles that will ensure the safety of the public and juveniles.
3. Juveniles are to be returned to the home/demanding state in a safe and expedient manner.

RULE 6-105: ARTICLE VII: COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

1. Article VII(c) of the Interstate Compact on Juveniles provides the procedure for return to the sending states of juveniles who are on cooperative supervision in other states. Interstate Compact on Juveniles Form IA/VI provides due process requirements for this return.
2. Sending states' Interstate Compact on Juveniles offices shall ensure that their juveniles' probation/parole agreement provisions are enforced for individual accountability and public protection.
3. Juveniles and Legal Custodian(s) Who Have Left the Sending State: In the event new charges occur, receiving states shall endeavor to assume jurisdiction over juveniles whose legal custodian(s) move to those states.
4. Juveniles Who Have Legal Custodian(s) Remaining in the Sending State: When placement of juveniles in receiving states is not successful, sending states' Interstate Compact on Juveniles offices shall make transportation arrangements for the return of their juveniles within five (5) working days in accordance with this Article.

RULE 6-106: RUNAWAY AMENDMENT

1. The Runaway Amendment shall be binding only between those states which have executed the same. All provisions of Articles IV and VI shall apply.
2. The home state's Interstate Compact on Juveniles office shall immediately initiate proceedings to determine juveniles' residency and jurisdictional facts in that state. Home states shall return juveniles when it is determined that said juveniles are residents of that state.
3. Due process shall be afforded to juveniles who are returned pursuant to this amendment/article. The home states' Interstate Compact on Juveniles office shall initiate the requisition process when juveniles refuse to voluntarily return, and parents refuse to initiate the requisition process.

RULE 6-107: RENDITION AMENDMENT

The Rendition Amendment shall be binding only between and among those states which have executed the same. All provisions and procedures of Articles V and VI shall apply.

RULE 6-108: OUT-OF-STATE CONFINEMENT AMENDMENT

1. The Out-of-State Confinement Amendment is operative only between those states which have executed the same.
2. This amendment applies to juveniles who are on probation or parole or who have absconded or escaped and are located in the receiving or holding states. The sending/receiving or home/holding states must contractually agree to confine juveniles in a designated institution in receiving or holding states.

RULE 6-109: FINANCIAL RESPONSIBILITY

1. The home/demanding states' Interstate Compact on Juveniles office shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) working days of being notified by the holding state's Interstate Compact on Juveniles office that the juvenile's due process rights have been met (signed Consent to Return Voluntarily, signed Memorandum of Understanding and Waiver, or requisition honored.)
2. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-110: PUBLIC SAFETY

1. The home/demanding state's Interstate Compact on Juveniles office shall determine appropriate measures and arrangements to ensure the safety of the public and of juveniles being transported based on the holding and home/demanding states' assessments of the juvenile.
2. Juveniles who are requisitioned under Article V and the Rendition Amendment or who are considered a risk to harm themselves and/or others shall be accompanied on the return to the home/demanding state.
3. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-111: CHARGES PENDING IN HOLDING/RECEIVING STATES

Juveniles shall be returned only with the consent of the holding/receiving states or after charges are resolved when pending charges exist in the holding/receiving states. This rule applies to Articles IV, V, VI, VII, and the Runaway and Rendition amendments.

RULE 6-112: WARRANTS

The demanding state's Interstate Compact on Juveniles office shall, within two (2) working days, determine if warrants will be honored, and notify the holding states' Interstate Compact on Juveniles office accordingly.

RULE 6-113: DETENTION

1. The home/demanding state's Interstate Compact on Juveniles office shall effect 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.
2. 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 effect the return of its juveniles within five (5) working days.
3. Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) days. Home/demanding state's Interstate Compact on Juveniles office shall maintain regular contact with the authorities preparing the

requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.

4. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding state.

RULE 6-114: AIR TRANSPORTATION

1. Holding states are responsible for transporting juveniles to local airports as arranged by the home/demanding state and maintaining security of the juveniles until departure.
2. Holding states shall not return to juveniles any personal belongings, which could jeopardize the health, safety, or security of the juveniles or aircraft (examples: weapon, cigarettes, lighters, or cell phone).
3. Holding states shall confiscate all questionable personal belongings and return those belongings to the juveniles by approved carrier (e.g., USPS, UPS, or Federal Express).

RULE 6-115: AIRPORT SUPERVISION

1. States shall provide supervision and assistance to unescorted juveniles at intermediate airports, enroute to the home state.
2. Staff shall supervise juveniles from arrival until departure.
3. Home states shall give the states providing airport supervision a minimum of 24 hours advance notice.

**SECTION 700
COMMUNICATIONS**

With the advancement of modern technology, it is the position of the Association of Juvenile Compact Administrators that Interstate Compact on Juveniles offices shall be equipped with fax machines and computers to facilitate communication.

Further, Interstate Compact on Juveniles offices shall be equipped with the capability to conduct Interstate Compact business through use of the ICJ/AJCA web site located at www.ajca.org

**SECTION 800
GLOSSARY OF TERMS**

Absconder: A juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Adjudged Delinquent: A minor who has been classified as such through court proceedings in a properly constituted court of law.

Adjudicate: To pronounce, decree, or settle in the exercise of judicial authority in a properly constituted court of law.

Affidavit: A written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

Aftercare: A juvenile who has been committed in the sending state who is residing and being supervised in the community. (For purpose of ICJ, see Parole.)

Commitment: An order by the court of appropriate jurisdiction ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

Compact Administrator: A person designated by statute or appointed by the Governor who is responsible for coordinating his/her state's Interstate Compact on Juveniles operations.

Conditional Release: See Parole.

Cooperative Supervision: Supervision provided by the receiving state as requested by the sending state (pursuant to Article VII).

Correspondent: A person responsible for handling specific duties relating to the Compact and under the supervision of the Compact Administrator or Deputy Compact Administrator.

Counsel (Legal): Representation of a juvenile by an attorney, either privately retained or court appointed, or a person who is proper or sufficient to be recognized by the law.

Court (For Interstate Compact on Juveniles purposes): Any judicial entity having jurisdiction over dependent, neglected children, delinquent juveniles, and/or status offenders.

Court Order: A written command or direction given by a court of competent jurisdiction.

Delinquent Child: See Delinquent Juvenile.

Delinquent Juvenile: 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 that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

Detainer: A writ or instrument, issued or made by a competent officer, of the court authorizing the proper agency to keep in its custody a person therein named.

Detention Order: An order written by the court to detain a specified juvenile pending further orders or action by the court.

Due Process: Legal proceeding(s) according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private and public rights.

Emancipation of Minors: A court action severing the legal rights and responsibilities of parent(s) and juveniles.

Escapee: A juvenile who has made an unauthorized flight from a facility to which he has been committed by the court.

Good Faith Effort: Communication and cooperation of the home state with the holding state regarding the return of runaways, absconders, and escapees.

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

Guardian ad litem: A person who is appointed by the court to look after the best interest of the juvenile.

Hearing: Proceeding of relative formality with definite issues of fact or of law to be tried, in which parties proceeded against have the right to be heard, and is much the same as a trial and may terminate in final order.

Interstate Compact on Juveniles: The enactment of legislation by all member states in substantially the same language on legal due processes pertaining to a juvenile.

Investigation: A legal social evaluation to determine if placement in a proposed and specified resource home/place is in the best interest of the child/juvenile and the community.

Juvenile: 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: 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.

Legal Jurisdiction: Appropriate court having legal authority or control over the proceeding pertaining to one or more specified offenses with which a juvenile has been charged.

Non-Delinquent Juvenile: Any person who has not been adjudged or adjudicated delinquent.

Non-Party State: A state which has not adopted the amendments relating to the Interstate Compact on Juveniles.

Optional Runaway Article: This article makes it mandatory for the home state to authorize the return of a juvenile within five (5) days after being advised that he has been found in another state. Applies to non-delinquents only.

Out-of-State Confinement Amendment: Permits states to make agreements for out-of-state confinement of juveniles who are already out-of-state, such as parole and probation violators, escapees, and absconders.

Parole: Any committed juvenile conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Peace Officer: This term is variously defined by the statute in the different states; but generally it includes sheriffs and their deputies, constables, marshals, members of the police force of cities, and other officers whose duty is to enforce and preserve public peace.

Petition: An application in writing for an order of the court stating the circumstances upon which it is founded.

Physical Custody: The detainment of a juvenile by virtue of lawful process or authority.

Pick-Up Order: An order authorizing law enforcement officials to apprehend a specified person.

Private Provider: Any person or organization contracted by the sending or receiving state to provide supervision and/or services.

Probation: A sentence disposition available to the courts which allows the offender to remain in the community under the supervision of a court directed person or agency. This is an alternative to commitment to a correctional facility.

Promulgate: To put a law into effect by formal public announcement. To make known by public declaration.

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

Rendition Amendment: This amendment permits a state in which a juvenile is found to return to a state other than his home state in which he is charged with being delinquent for violation of any criminal law.

Renunciation: The act by which a state can formally withdraw from the Interstate Compact on Juveniles by having the same authority which executed the Interstate Compact on Juveniles send six month's notice in writing of its intentions to withdraw to the other states party hereto. (See Article XIV.)

Requisition: A demand in writing or formal request under Article IV or V sent to the Interstate Compact on Juveniles Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, or escapee. (See Interstate Compact on Juveniles Forms I and II.)

Residence: A place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, or agency entitled to his legal supervision. The state where the parent, guardian, person, or agency having legal custody of the juvenile is residing or undertakes to reside.

Runaway: A child under the juvenile jurisdictional age limit established by the state, who has run away from his 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.

Sending State: A state which has sent a juvenile to another state for supervision under the provisions of the Interstate Compact on Juveniles.

State: Any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Status Offense: Conduct which is illegal for juveniles but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

Status Offender: One who has been adjudged guilty of a status offense. A term used to designate a child adjudicated by the juvenile court and placed under court 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.]

Termination: The relinquishment of wardship of a juvenile probationer or parolee by the proper authority in the sending state following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

Voluntary Return: This relates to the return of the juvenile runaway, escapee, or absconder (under Article VI) to his home state and denotes that he consents to return there voluntarily. (See Interstate Compact on Juveniles Form III.)

Ward of Court: A person placed by authority of law under the care and supervision of the court.

Warrant: An order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

FORMS

Form A, Petition for Requisition to Return a Runaway Juvenile - This form is used when it becomes necessary to petition the home state's court to have a non-delinquent juvenile returned to the home state.

Form I, Requisition for Runaway Juveniles:

This form is used under Article IV when it becomes necessary for the court in the home state to take action in having a non-delinquent runaway juvenile returned. It is used only in cases where the youth refuses to return home or where there is some question of legality concerning the youth's return to his home state.

Form II, Requisition for Escapee or Absconder:

This form is used under Article V for the requisition of delinquent escapees and/or absconders from institutions, detention centers, reception and diagnostic centers, community treatment facilities, or from probation or parole placement. (Form II is used when exercising the Rendition Amendment.)

Form III, Consent for Voluntary Return by Runaway, Escapee or Absconder:

This form is used under Article VI in cases where a state is returning a juvenile to his home state and must be executed in the presence of a judge or authorized court master, referee, or hearing officer. Signing by the juvenile denotes that he consents to return home voluntarily.

Form IV, Parole or Probation Investigation Request:

This form is used in cases in which the home state requests an investigation for possible placement of a parolee or probationer in a home in another state. It should be accompanied with pertinent court orders, social summary, evaluation results, and court, school, and medical records.

Form V, Report of Sending State Upon Parole or Probationer Being Sent to Another Jurisdiction: This form is used to notify the state which has approved placement that a youth is being transferred to their jurisdiction for supervision. It provides information concerning travel.

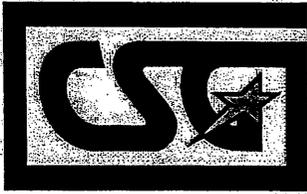
Form IA-VI, Application for Compact Services & Memorandum of Understanding Waiver (Parolee or Probationer):

A two-part form which is used to make application for Compact services and also used to determine that the youth, parent, guardian, or agency understands the terms of his probation and parole and that he is to return to the sending state if he is recalled due to violation of probation, or some other reason.

Resolutions, Endorsements
and Articles

**The Council of
State Governments**

Headquarters Office



PRESS RELEASE

Monday, March 24, 2003

Contact: Jack Penchoff

(859) 244-8153

jpenchoff@csg.org

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Chair
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Executive Director
Daniel M. Sprague

States enact new juvenile compact

Lexington, Ky. – The Council of State Governments announces that North Dakota became the first state to sign the new interstate compact for juveniles into law when Governor John Hoeven signed HB 1254 on March 13, 2003. New Mexico followed shortly on March 19 and Montana's bill passed the legislature and is on its way to Governor Judy Martz's office this week.

"This legislation will tremendously improve public safety in all member states and we are proud to be the first to enact this compact," said Rep. Duane DeKrey, primary sponsor of the bill in the North Dakota.

Each year, states transfer over 20,000 juveniles who are on probation or parole, or who have escaped, absconded or run away from home to another state. Many more undocumented juveniles pass between states unsupervised and neglected, ultimately leading to an increase in crimes committed by that population as juveniles and later as adults.

Since 2000, The Council of State Governments and federal Office of Juvenile Justice and Delinquency Prevention have led the effort to draft the new compact which will more effectively facilitate state autonomy and national cooperation in the supervision transfer process of juveniles. At the national level, the compact coordinates the means to identify, track and account for juveniles.

"This is real legislation for a real problem, not just headliner information," stated Rep. DeKrey.

According to Chad Foster, CSG public safety and justice policy analyst, the new interstate agreement significantly updates the 48-year-old mechanism for tracking and supervising juveniles across state borders. "This compact builds in enhanced accountability, enforcement, visibility and communication," he said.

CSG has played a key role in helping states develop, implement and administer dozens of interstate compacts since its founding in 1933. CSG has worked with the National Institute of Corrections to develop and enact the Interstate Compact for Adult Offender Supervision in the states. CSG's decades of experience with interstate compacts has produced a wealth of institutional knowledge about the elements that help ensure prompt development, enactment, and effective operation of these interstate agreements.

For more information on The Interstate Compact for Juveniles, contact Chad Foster at cfoster@csg.org.

CSG is the nation's only organization serving every elected and appointed official in all branches of each state and territorial government through its national office, as well as regional offices based in the East, Midwest, South, and West. CSG has championed excellence in state government since 1933 by advocating multi-state shared problem solving and states' rights, by tracking national conditions, trends, and innovations, and through nonpartisan, groundbreaking leadership training and support.

Headquarters Office
P.O. Box 11910
Lexington, KY 40578-1910
(859) 244-8000
FAX (859) 244-8001
Internet: www.csg.org

Eastern Office
14 Wall Street
20th Floor
New York, NY 10005
(212) 912-0128
Internet: www.csgeast.org

Midwestern Office
641 E. Butterfield Road
Suite 401
Lombard, IL 60148
(630) 810-0210
Internet: www.csgmidwest.org

Southern Office
3355 Lenox Road, Suite 1050
Atlanta, GA 30326
(404) 266-1271
Internet: www.slcatlanta.org

Western Office
1107 9th Street
Suite 650
Sacramento, CA 95814
(916) 553-4423
Internet: www.csgwest.org

Washington Office
Hall of the States
444 N. Capitol Street, N.W.
Suite 401
Washington, D.C. 20001
(202) 624-5460
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New juvenile com

Strengthening the juvenile compact for the 21st century

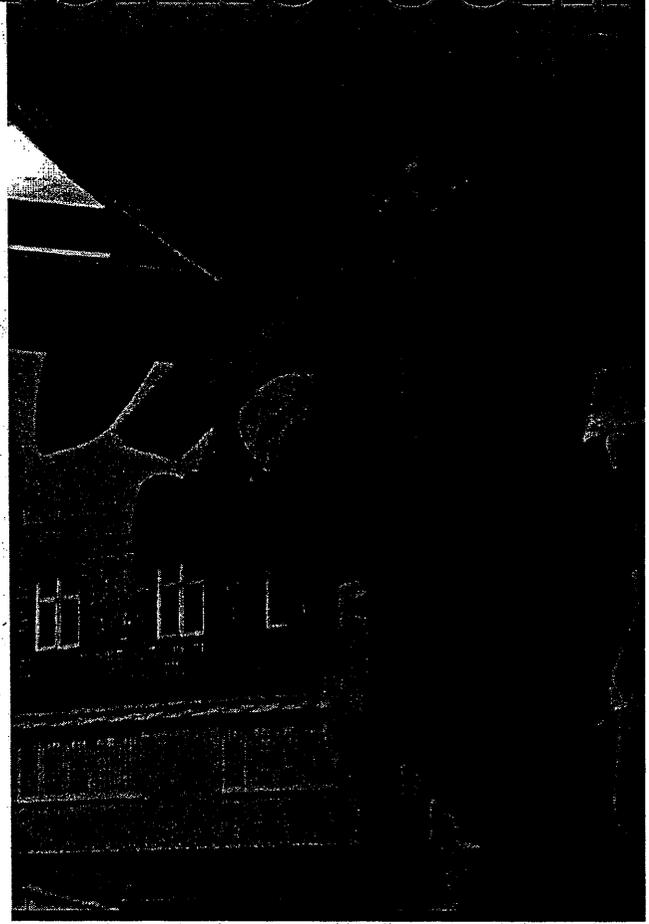
BY JOHN J. MOUNTJOY
AND CHAD S. FOSTER

The new Interstate Compact for Juveniles proposes significant updates to the existing Interstate Compact on Juveniles, a 48-year-old mechanism for tracking and supervising juveniles. By providing enhanced accountability, enforcement, visibility and communication, the new compact seeks to update a crucial, yet outdated tool for ensuring public safety and preserving child welfare.

The original Interstate Compact on Juveniles was established in 1955 to manage the interstate movement of adjudicated youth (youth who have been tried and sentenced in the court system), the return of runaway youth, and the return of youth to states where they have a pending delinquency, neglect or dependency hearing. The compact was written before the Interstate Highway System existed, before air transportation was readily accessible and well before computer technology revolutionized communication.

Likewise, the population managed by the compact has dramatically grown and changed over the past four decades. "The juvenile population has changed in a number of ways," said Ray Wahl, Utah's Juvenile Court administrator and a member of the Juvenile Compact Advisory Group. "The prevalence of firearms in youth crimes, the accessibility of street drugs, such as methamphetamines, and the sheer growth in mobility and transportation issues have all contributed to juvenile offenses being more severe," according to Wahl. This evolving juvenile population, combined with an outdated compact structure, has given root to growing public safety and juvenile welfare concerns in the states.

In 1999, the federal Office of Juvenile



Justice and Delinquency Prevention conducted a detailed survey of the states, uncovering many contentious issues within the current compact structure, and asked for recommendations to address these growing concerns. Since then, The Council of State Governments and OJJDP have developed advisory and drafting groups that created the new Interstate Compact for Juveniles.

When formally adopted by the states, the new compact will not only change the name from The Interstate Compact on Juveniles to The Interstate Compact for Juveniles, it will address many deficiencies and inconsistencies within the current juvenile-compact system. The new agreement deals with enforcement, administration, finance, communications, data sharing and training. The revised compact will also

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ced by the state. Compact provisions take precedence over conflicting laws and inconsistent provisions of laws of states in the compact.

Current compact: History and shortcomings

The original compact provides the provisions that means to regulate the movement across state lines of juveniles who are under court supervision. Specifically, the compact provides for the monitoring or for the return of any juvenile who: is run away from home; is placed on probation or parole and attempts to reside in another state; is absconded from probation or parole or has escaped from an institution and is located in another state; requires institutional care and specialized services in another state; or is on a pending delinquency, neglect or dependency hearing and runs away to another state.

As currently written and used, The Interstate Compact on Juveniles is not an effective instrument for today's juvenile justice system. Some of its language and provisions are antiquated, its rules and provisions are not widely agreed to, followed or understood, and its structure and overall management are powerless to meet the needs of juveniles within the modern justice system.

For a troubled youth does not get appropriate supervision, interventions and treatment early," said Wahl, "they will use their delinquent behavior and ultimately become the responsibility of the justice system. Once that happens, the ability to make a difference in the life of the child is greatly diminished."

Many components of the original compact vary by state, an obstacle to creating effective and binding interstate agreements. Since the original compact was adopted in 1955, compact administrators have proposed three amendments. However, these amendments have not been adopted by all of the states, creating even more inconsistency.

Also, the compact's rules are problematic for juvenile justice practitioners and the juvenile justice system, and they are also potentially detrimental to juveniles themselves. In addition, the current compact contains no

enforcement mechanism for its rules; nor is there a method for guaranteeing compliance among the compacting states.

And, the current compact encounters serious problems within the juvenile justice system, such as long processing times, lack of uniform rules and a lack of information exchange. "Part of the problem is the timely exchange of information," said Stephen White, chief of police for Doylestown, Pennsylvania, and a member of the Juvenile Compact Drafting Team. "The system is not currently set up to adequately share information, not only on juveniles but also adults. And we're not sharing the information that we do have on hand."

To further complicate the existing system, the Association of Juvenile Compact Administrators currently promulgates and maintains rules and procedures without vested authority. AJCA is a voluntary membership organization composed of the appointed compact administrators or their designees. Although the association operates under language contained in the compact, the agreement contains no provisions for staffing, national coordination and compliance or funding.

Road to change

In 1999, the Office of Juvenile Justice and Delinquency Prevention conducted a national survey to collect statistics on interstate activity and to solicit opinions from officials at various organizational levels. The survey targeted three specific audiences: compact administrators, juvenile justice agency administrators and field staff of juvenile justice agencies. The three most common recommendations to improve the compact were:

- develop better enforcement and accountability measures;
- provide more training to local and state juvenile justice officials; and
- improve the speed and quality of communication through the use of technology.

Beginning in June 2000, CSG and OJJDP began to develop and facilitate an Advisory Group to examine The Interstate Compact on Juveniles and determine a future course of action. Composed of 24 policy experts representing a diverse group of institutions and organizations, the Advisory Group met

Lawmakers learn about the compact

The Council of State Governments and the Federal Office of Juvenile Justice and Delinquency Prevention hosted a legislative briefing on the Interstate Compact for Juveniles on December 2, 2002, in Scottsdale, Arizona. This national gathering provided key state policy analysts the opportunity to:

- obtain valuable information on the proposed legislative language;
- learn about a host of issues from juvenile justice practitioners, corrections officials, court administrators, law enforcement officials and victims advocates;
- meet with legislators and legisla-

tives still involved in the passage of other compacts, and

ask questions regarding adoption of this important legislation in their state.

For more information, please visit <http://www.csg.org> and follow the hyperlinks for Policy, Public Safety and Justice, and The Interstate Compact for Juveniles. Information is available online regarding the legislative briefing, the current status of the compact in the states, revised compact language, an educational video and other resources. For additional information, contact Chad S. Foster at (659) 244-8082 or cfoster@csg.org.

twice in 2000-2001 to review and analyze information from the OJJDP survey and to develop strategies and recommendations to improve the compact.

The second phase in the revision process involved developing and facilitating a Drafting Team during the fall of 2001. Like the Advisory Group, the Drafting Team consisted of 15 policy experts from across the states who reviewed the recommendations made by the Advisory Group and translated those recommendations into specific compact language.

The final stage in revising the compact was the dissemination of the draft Interstate Compact for Juveniles to state officials and other interested stakeholder groups for review and comment. The draft

was circulated in April and May of 2002 and final review was completed in June.

Solutions for the future

The revised compact will address many deficiencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. The new compact will provide for:

- the establishment of an independent compact-operating authority to administer ongoing compact activity, including a provision for staff support;
- a national governing commission, with representatives from all member states appointed by the governors.

The commission will meet annually to elect the leaders and committee members and to attend to general business and rule-making procedures;

- a rule-making authority and a provision for significant compact sanctions to support essential compact operations;
- a mandatory funding mechanism sufficient to support essential compact operations, such as staffing, data collection, training and education;
- the collection of standardized information and information-sharing systems; and
- the coordination and cooperation with other interstate compacts, including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children.

In summary, The Interstate Compact for Juveniles will provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through enhanced control and a better structure for the interstate movement of juveniles.

"The bottom line is that all juveniles are worth being redeemed, no matter what they may have done," White said. "I think that if you handle the problem as a juvenile and you can handle it effectively state to state, they will not end up in the adult system. This gives the juvenile a chance, more adequately protects the community and in the end, saves states money." ★

— John J. Mountjoy is the associate director for national policy and Chad S. Foster is a public safety and justice policy analyst at The Council of State Governments.

Homeland security

Continued from page 24

What can states do?

One way or another, states will face difficult homeland security decisions this year. A timely decision and turnaround on federal funds will surely assist the states in focusing their efforts, time and resources on internal needs. Regardless of federal policy, states can take several measures to help prepare for these upcoming decisions:

- share and study other state practices and innovative funding solutions for homeland security;
- collaborate with other states and regions to create mutually beneficial solutions;
- increase collaboration with federal, local and private partners;
- use higher education institutions within the state to assist in research and development, self assessments and other homeland security needs; and
- explore all potential money-making and cost-saving options at the state

and local levels. Methods for raising revenue might include increasing or imposing new taxes, surcharges or fees. Options for realizing cost savings might include cross-border resource sharing.

Unfortunately, there is a price tag for preparedness. Funding homeland security will likely challenge all the states in the year to come. ★

— Chad S. Foster is a public safety and justice policy analyst at The Council of State Governments.

**The Council of
State Governments**

Headquarters Office



PRESS RELEASE

Tuesday, January 28, 2003

Contact: Jack Penchoff

(859) 244-8153

jpenchoff@csg.org

President
Governor Mike Huckabee, AR

Chair
Representative Daniel E. Bosley, MA

Executive Director
Daniel M. Sprague

Headquarters Office
P.O. Box 11910
Lexington, KY 40578-1910
(859) 244-8000
FAX (859) 244-8001
Internet: www.csg.org

Eastern Office
14 Wall Street
20th Floor
New York, NY 10005
(212) 912-0128
Internet: www.csgeast.org

Midwestern Office
641 E. Butterfield Road
Suite 401
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Southern Office
3355 Lenox Road, Suite 1050
Atlanta, GA 30326
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Western Office
1107 9th Street
Suite 650
Sacramento, CA 95814
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Internet: www.csgwest.org

Washington Office
Hall of the States
444 N. Capitol Street, N.W.
Suite 401
Washington, D.C. 20001
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CSG briefing on new Interstate Compact for Juveniles

SCOTTSDALE, Ariz.— State policymakers from over 40 states and territories and the Commonwealth of Puerto Rico attended a legislative briefing on the new Interstate Compact for Juveniles in December. Hosted by The Council of State Governments and the federal Office of Juvenile Justice and Delinquency Prevention, the briefing provided an opportunity for state leaders to learn about the new compact from juvenile justice experts, meet with legislators and legislative staff involved in the compact's development, and receive valuable information about the current juvenile justice environment.

Each year, states transfer over 20,000 juveniles who are on probation or parole, or who have escaped, absconded or run away from home to another state. Many more undocumented juveniles pass between states unsupervised and neglected, ultimately leading to an increase in crimes committed by that population as juveniles and later as adults.

Since 2000, CSG and the Office of Juvenile Justice and Delinquency Prevention have led the effort to draft the new Interstate Compact for Juveniles. The revised compact facilitates state and national cooperation in the supervision transfer process of juveniles. At the national level, the compact coordinates the means to identify, track and account for juveniles, providing states with a tremendous opportunity to increase public safety while meeting the needs of troubled youth as they move between states.

The current interstate compact was developed nearly 50 years ago when juvenile offenders rarely moved between states. The compact now exists as an outdated and antiquated system, lacking the resources to effectively manage a larger and more vulnerable population.

"We find that there are a lot more kids involved in the system than we had thought, and given the fact that we have such a mobile country and people are moving around all the time ... we are discovering that we are losing track of these kids," said Rep. Michael Lawlor, a state legislator from Connecticut.

Since its founding in 1933, CSG has played a key role in helping states develop, implement and administer dozens of interstate compacts. CSG has worked with the National Institute of Corrections to develop and enact the Interstate Compact for Adult Offender Supervision in the states. CSG's decades of experience with interstate compacts has produced a wealth of institutional knowledge about the elements that help ensure prompt development, enactment and effective operation of interstate compacts.

For more information on The Interstate Compact for Juveniles, visit our Web site at www.csg.org or contact Chad Foster at cfoster@csg.org.

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Sharing Criminal Records

Two new interstate compacts enhance public safety
by improving the exchange of information.

By Blake Harrison

Demand for criminal history information has skyrocketed as an increasing number of states require background checks; some of this is due to the events of Sept. 11.

The USA Patriot Act passed by Congress in the fall of 2001, for example, requires a fingerprint background check of every truck driver with a commercial driver's license and a hazardous materials endorsement. This is a tremendous task, says Wilbur W. Rehmann, project manager of the Montana Criminal Justice Information Services. "In Montana, we have approximately 30,000 truck drivers who will need to have background checks conducted."

Even before this, states wanted to know about any criminal backgrounds of teachers, day care providers, elderly caregivers and volunteers. "This puts a tremendous strain on state information centers," said Rehmann.

The National Crime Prevention and Privacy Compact, now with 16 participating states, aids in the exchange of crime records for non-

criminal justice purposes, such as background checks.

The compact standardizes procedures for releasing information, while protecting the rights of individuals and recognizing differences in state policy regarding the use of records. The eventual benefits of the compact, says Gary Cooper, the executive director for SEARCH Group Inc., is the "elimination of duplicate record-keeping by both states and the FBI." SEARCH is a nonprofit membership organization created by and for the states, which is dedicated to improving the criminal justice system.

"It will also lead to more complete and higher quality records, increased system security and faster response to requests for information," he says. "These built-in efficiencies will result in savings to states that already have suitable automated systems."

Some legislators are concerned that they may lose control over their information. Every state controls how criminal records are distributed; however, they cannot dictate how their information is used in other states. For most states this is not an issue because 43 already release substantially the same information to the FBI's database, which then releases the information according to the law in the receiving state. The compact simply standardizes what information is made available.

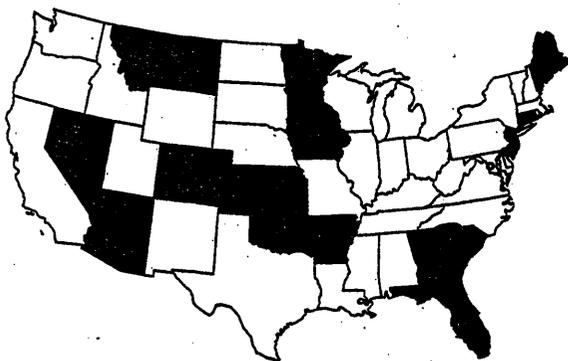
The now ratified Interstate Compact for Adult Offender Supervision is another project that aims to improve public safety by sharing information. The compact went into effect June 19, 2002, when Pennsylvania became the 35th to ratify it. To date, 41 states are a party to the compact. It replaces a 60-year-old compact and helps track the estimated 250,000 probationers and parolees who are expected to cross state lines each year. Offenders who live in other states frequently return home following their sentences. However, they remain under the supervision of the state in which they were convicted. As a condition of release, probationers and parolees must adhere to numerous court orders, such as drug treatment, community service and restitution.

The importance of crime records for post-release supervision has received greater attention in recent years. In part this is because of policies dealing with registration and movement of sex offenders, as well as high profile criminal cases.

The rape and murder of a 24-year-old woman in Denver by Donta Page, a convicted felon from Maryland, became the "poster crime" for the compact. Page had been released from a Maryland prison and sent on a suspended sentence to Colorado for drug treatment. He was in Denver without any notice to state or local authorities. Since he was not technically on probation or parole, such notice was not required at that time.

"I am confident that as the new compact gets implemented over the

STATES THAT HAVE RATIFIED THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT



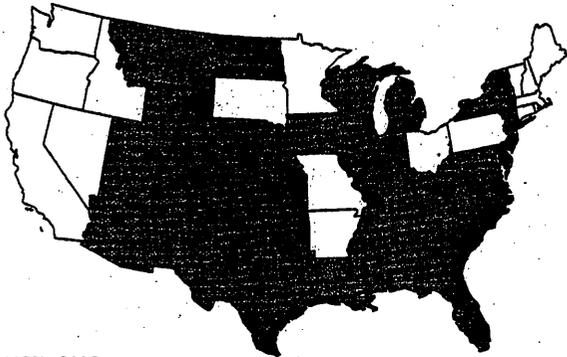
Source: NCSL, 2002



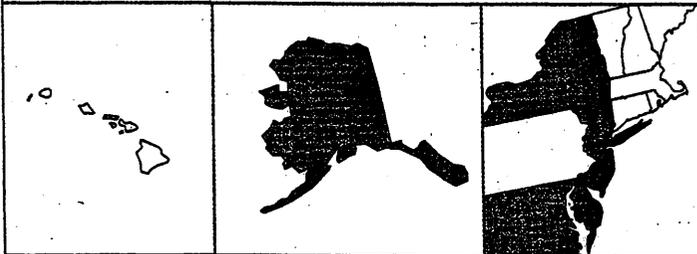
Blake Harrison tracks criminal justice issues for NCSL.

PUBLIC ACCESS TO SEX OFFENDER INFORMATION VIA THE INTERNET

- Allow public access to sex offender information
- Do not have picture of offender



Source: NCSL, 2002



next year, it will improve the safety in our communities," says Idaho Senator Denton Darrington, NCSL's ex-officio representative on the commission that is overseeing compact compliance. "I carried and sold this in my state by stressing that for the price of one inmate a year, we can more safely supervise offenders who are in our state."

States are expected this year to begin considering a parallel juvenile compact. The Interstate Compact for Juveniles also updates procedures for state-to-state movement of minors under court supervision. This includes monitoring, supervising and returning juvenile delinquents and children in need of supervision.

Representative Michael Lawlor of Connecticut, who served on the drafting committees for both the Interstate Compact on Adult Supervision and the Compact for Juveniles, says the two address basically the same issues, with the juvenile agreement also addressing the special placement and service needs of youths.

"Like the adult compact, it is designed to protect the public," Lawlor says, "while also ensuring the welfare of juveniles."

These compacts avoid the drawbacks of other approaches that include disjunctive state laws or federal initiatives that could take control away from states, supporters say.



Senator
Denton Darrington
Idaho



Representative
Michael Lawlor
Connecticut



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AJCA Newsletter

Serving Youth Nationwide

Fall 2002

One Step Closer to a New Compact

From the President

*- Ronald J. Leffler, IN Parole
AJCA President*

Greetings! It seems like only yesterday that we were at the Annual Meeting in Savannah, Georgia. In addition to the regular business meeting, there was a lot of good information exchanged and feedback received.

The biggest challenge that faces us over the next couple of years is getting the new Compact passed in all of the states and territories. Over the next several months, legislators in all states and the territories will be getting copies of the new Interstate Compact *for* Juveniles from the Council of State Governments (CSG). The legislators will be asked to pass the new compact into law. Many issues will be discussed during this process. The AJCA leadership advocates that our members be proactive. Ensure that your legislators have accurate and up-to-date information and be prepared to educate them. I urge all of you to become familiar with the new Compact, be able to cite the pros of the new Compact and the cons of our current Compact, and know your statistics.

Upon our return from Savannah, we each should have shared the new information obtained from CSG with our supervisors. Hopefully, by this time, you are developing action plans on how to get the new compact introduced in the 2003 legislative session.

Helping guide the new compact through the adoption process is the biggest challenge that the Association and the nation have faced in over forty years in this area. The new compact maintains the authority of the Compact Administrator and raises the level of the Deputy Compact Administrator. I urge all of you to support the new compact and work to get it passed in your individual states, the District of Columbia, or the territories.

Ratification will occur upon passage by the 35th state. At that time, the big challenge of implementation will occur. However, discussion of that challenge is for another article.

In closing, it is vital that we all be prepared for the introduction of the Compact and understand the importance it being ratified. The new Compact brings the issues that face us daily into perspective and provides a means of enforcement that has been lacking in the past. When ratification occurs, doing business as we know it will change for the better. Eventually all fifty states, the District of Columbia and territories will pass the new Compact legislation. This is a very exciting time for those in ICJ and AJCA.



The Interstate Compact for Juveniles - A New and Improved Tool for Effective Management and Juvenile Accountability

*-Richard L. Masters
Special Counsel
The Council of State Governments*

The endorsement of the new Interstate Compact for Juveniles by the Association of Juvenile Compact Administrators (AJCA) on August 10, 2002 at Savannah, Georgia was indeed an historic event. As we look forward to the "unveiling" of the proposed new compact to legislators and its introduction and passage into law, it is important to recall and remember the "journey" which has brought us to this important watershed.

THE OLD COMPACT

Established in 1955, the Interstate Compact on Juveniles is the only public law in existence to regulate the

interstate movement of juvenile offenders, the return of absconders and escapees, and runaways. The Compact was written before the interstate highway system, before readily accessible air transportation, and before the personal computer literally revolutionized the way we live personally and professionally. Moreover, the juvenile population supervised under the Compact has dramatically increased over the past half century and many jurisdictions have expanded supervision and program expectations to include such areas as victim input and notification requirements, sex offender registration, and age related issues. These concerns coupled with growing dissatisfaction with an outdated and antiquated Compact structure has given root to growing public safety and juvenile welfare concerns.

THE ROAD TO CHANGE

In 1999, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted a detailed survey of the states, revealing many contentious issues and deficiencies within the current Compact. As currently written and implemented the current compact is not adequate. Its language and procedures are insufficient and antiquated, its' rules and procedures are not widely followed or understood and its structure and administration is powerless to meet either public safety expectations or the needs of juveniles within the modern justice system. More specifically, not all states have identical compact language. Since the adoption of the original compact by all fifty states, three significant amendments have been proposed and enacted into law by some states but not by other states. Rules under the current compact cannot be enforced because it does not provide any procedures to do so. Thus there is no means of assuring compliance even where the compact provisions at issue have been adopted by all of the states. There is no accountability and no consequences for states that violate and ignore the current compact rules. The survey also found significant needs for additional training to be made available to state and local juvenile justice officials and to improve the speed and quality of communication through the use of state of the art computer technology.

The existing compact provisions and rules are administered by the AJCA, which is both a professional, tax-exempt association of government officials and also serves as the administrative agency to carry out the terms of the current compact provisions and rules. However, this body is not specifically designated under the compact nor is it given specific authority to make and enforce rules or the provisions of the compact. Nor is there any provision, under the current compact, for a full time staff to coordinate

compliance or adequate funds to do so. Although existing compact administrators deserve to be commended for their labor to manage an interstate supervision process which is overworked, understaffed, and under-funded, the significance of this compact and its unique role in promoting both public safety and protection of juveniles must address these deficiencies and problems.

In June 2000 the Council of State Governments (CSG), which facilitated the drafting and adoption of the original compact, and OJJDP developed and facilitated an Advisory Group to examine and determine appropriate action to address the multitude of problems identified through the 1999 survey and follow up with respect to the Interstate Compact on Juveniles. Composed of twenty-four policy experts representing a broad and diverse group of institutions and organizations with direct interest in juvenile supervision issues, the Advisory Group met twice between June 2000 and May 2001 to 1) review and analyze the information from the survey and 2) develop recommendations for action to improve the compact. After recommending a comprehensive revision of the Compact, a drafting team was organized during the fall of 2001. Like the Advisory Group, the drafting team consisted of fifteen policy experts from throughout the country with extensive experience in the area of juvenile justice, legislation, and interstate compacts. The drafting team was tasked with the mission of reviewing the Advisory Group recommendations and translating those objectives into specific provisions of a comprehensive amended compact. The final stage in this phase of the work was the dissemination of the draft of the newly proposed Interstate Compact for Juveniles to state officials, compact administrators and interested stakeholder groups for review and comment. This circulation and review took place from April of 2002 through June 2002.

SOLUTIONS FOR THE FUTURE IN THE NEW INTERSTATE COMPACT FOR JUVENILES

The new compact addresses the deficiencies documented in the current compact system including enforcement, administration, finances, communications, data collection and exchange, and training. The Interstate Compact for Juveniles, among other improvements, provides for:

- 1) The establishment of an independent compact administrative agency with the authority to administer the ongoing compact activity, including provision for full time staff support.
- 2) Gubernatorial appointment of authorized voting

representatives of all member states on a national governing commission, which meets at least annually to attend to the general business, rule making and enforcement procedures on behalf of the administrative body.

- 3) Clear rule making authority delegated to the National Commission and provisions for meaningful sanctions to administer and enforce the operation on the compact.
- 4) Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.).
- 5) Collection of standardized information and information sharing systems.
- 6) Coordination and cooperation with other interstate compacts which have "overlapping" jurisdiction, namely the Interstate Compact for the Placement of Children and the Interstate Compact for Adult Offender Supervision.

In summary, the new Interstate Compact for Juveniles will provide a better framework for the promotion of public safety, the welfare of juveniles, and the protection of victims within the states through the control and regulation of the interstate movement of juveniles. The continued involvement and support of the AJCA will continue to be a significant factor in its introduction and passage by state legislators as CSG and OJJDP work together with the Association to provide information and support to this important public policy initiative.

NOTICE

The AJCA web site has changed to:
www.ajca.us
 and will be operational
 in the near future.

AJCA Resolution

The following Resolution was adopted on Saturday at the 2002 Annual Meeting. The vote on the Resolution was 9-7 in favor. Only twenty representatives were present, several of whom represented one-half of their state and had a half vote, several states abstained from voting. The Resolution was requested by CSG to gain support for the new Interstate Compact for Juveniles.

RESOLUTION

Whereas, The Interstate Compact on Juveniles was established in 1955 and is the compact addressing the needs of juveniles within the juvenile justice system who move between states and has not been sufficiently amended in its forty-seven (47) year existence; and

Whereas, This compact is the only vehicle for the interstate supervision of juvenile offenders, the return of absconders and escapees, and runaways; and

Whereas, The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision and program expectations to include currently unregulated practices such as victim input and notification requirements, sex offender registration, and age related issues; and

Whereas, After national surveys and a detailed study by a task force appointed by the Office of Juvenile Justice and Delinquency Prevention, the recommendation has been to rewrite the document to bring about an effective management capacity that addresses public safety concerns and juvenile accountability.

Be it therefore resolved, That the Association of Juvenile Compact Administrators hereby endorses and recommends adoption of the new compact entitled "Interstate Compact For Juveniles" by the fifty (50) states, the District of Columbia, and affected territories of the United States of America.

Adopted this 10th day of August, 2002.

-Ronald J. Leffler, President

-Michael C. Reddish, Immediate Past President

A Second Chance

- Maureen Blaha, Executive Director
National Runaway Switchboard

"Thank you. I don't know what I would have done without your help," said a runaway using the Home Free program. Since 1995, in partnership with Greyhound Bus Lines, Inc., the National Runaway Switchboard (NRS) sent nearly 11,000 youth home. Greyhound's donation is valued at almost one million dollars. Committed to reaching as many youth as possible, Greyhound launched a campaign earlier this year, promoting the program in 450 of their busiest stations. Designed to be not simply a "bus ride home," Home Free provides youth and their parents/guardians with a second chance at reunification.

Youth are eligible to use the program twice in their lifetime, but must initiate the call to the National Runaway Switchboard themselves. The child must want to go home for this to have any chance of success. For youth between the ages of 12 and 18, trained "liners" (staff/volunteers answering NRS' 24-hour hotline) explore why the youth left home and how they expect things will change. Dealing with the issue prior to returning home plays a significant part in the success of the Home Free program. A similar conversation takes place between the parents/legal guardian and the "liner." Finally, all parties are brought together and the "liner" mediates a plan for return that includes referrals to local resources within their community. NRS staff follow up to determine if youth reached their destinations safely and to provide additional resources, if appropriate.

In November 2001, Greyhound expanded the program to include youth through age 20. (The program is not available to youth who have reached their 21st birthday.) For the older teen - ages 18-20 - the options increase to include return to an extended family member or to an independent living or transitional living program nearest their home or family of origin. Youth ages 18-20 must have left home due to reported or unreported family conflict or abuse.

There are exceptions to the program, however. Youth who are under arrest or mandated by law to return to a detention center, treatment program, or any other mandated residential situation other than to their parent or legal guardian's home are not eligible. Nor is the program a free ride for non-runaway youth traveling across the country. A parent/legal guardian must have filed a Runaway Report with the police within the first five days of the minor

youth leaving home.

Youth age 15 and older may travel alone. Although youth under age 15 cannot travel alone, NRS can arrange for a round trip ticket for a parent(s) to travel to the youth's location to bring him home. A call to the NRS hotline -1-800-621-4000 - will clarify other program eligibility criteria.

"The program was very efficient," said a parent whose child used the program. "They made sure I knew what was going on at all times, so I wasn't a bit worried about where he was. Thanks!"

Since 1974, the National Runaway Switchboard has been the federally-designated National Communication System for Runaway and Homeless Youth, and prior to that a hotline for at-risk youth in the Chicago area. Last year, the National Runaway Switchboard handled 115,962 crisis calls from youth and their families from across the country. Its services are done with the support of and in collaboration with organizations and programs throughout the nation.

The National Runaway Switchboard works to facilitate relationships that ensure youth and families have access to resources in their communities. Its services include the Home Free program, crisis intervention, facilitation of conference calls, a message service, information and referral, education and outreach and a state-of-the-art web site at www.nrscrisisline.org.



ICJ Success Stories and the National Runaway Switchboard

-Karen M. King-Jones, KY

Over the past several months, the AJCA Board has had several communications with Maureen Blaha of the National Runaway Switchboard (NRS). The NRS is responsible for the return of many runaway juveniles whose names never cross the desks of ICJ staff and occasionally some who do. The initial conversations between the two organizations was an attempt to tap into NRS funds for those states which currently do not have funds to return their runaways.

While we were disappointed to discover NRS funds are not accessible to probationers and parolees, NRS does



AJCA Newsletter

Serving Youth Nationwide

Spring 2002

A New Interstate Compact *for* Juveniles

From the President

- Michael Reddish, NE
AJCA President

The Association of Juvenile Compact Administrators met in Houston, Texas on March 26-30, 2002. This important Mid-Winter Workshop included a presentation by Rick Masters and John Mountjoy of the Council of State Governments. Rick and John shared with those attending the new, improved document called *The Interstate Compact for Juveniles*. This document will be sent to you this month for your review and comments.

This new compact spells out the authority for the Interstate Compact for Juveniles to exist and operate, and replaces the antiquated and restrictive language of the 1955 compact. This new document will enable us to successfully address every issue noted in the National Institute of Corrections survey, entitled "Perspectives from the Field on the Interstate Compact on Juveniles." For those of you who are new to ICJ, it was in June of 2000 that a finding from a national survey addressing compact services was completed. The survey, prepared by Larry Linke and Barbara Krauth of NIC, was a joint project of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Institute of Corrections (NIC). Chris Holloway with OJJDP served as project director. Compact administrators, agency administrators and field staff were interviewed; issues that have plagued compact administrators for years were identified. Those of us in the business of moving juveniles from state to state were well aware of the issues, but not always certain of the steps needed to correct them or were unable to correct them due to the restrictive language in the law. It is amazing that just one year and ten months later we have a new compact ready to share with you and other stakeholders.

(See President on page 5)

The Revised ICJ - Improvements to a Useful Tool for "Power Sharing" by the States

- Richard L. Masters, Special Council
The Council of State Governments

U.S. Supreme Court Justice Felix M. Frankfurter has referred to the Interstate Compact as "one of the axioms of modern government." In writing an opinion in which the Court unanimously upheld the validity of a state's authority to enter into compacts and delegate authority to interstate agency, Justice Frankfurter called such state action "a conventional grant of legislative power. {See *West Virginia, ex rel Dyer vs. Sims*, 341 U.S. 22 (1951)}. Compacts are contractual agreements between two or more states which bind them to the provisions of the compact. Like any other statute, an interstate compact supersedes prior law. But as with other contracts, the Contract Clause of the U.S. Constitution protects compacts from impairment by the states. Although a state cannot be bound by a compact to which it has not consented, a compact takes precedence over the subsequent statutes of signatory states. A state may not unilaterally nullify, revoke, or amend one of its compacts if the compact does not so provide.

Compacts currently have three primary functions. First, compacts have been used since before the adoption of our federal Constitution to resolve boundary disputes between colonies and later the several states. This was the exclusive purpose of all but one of the approximately 36 compacts enacted before 1921. Second, compacts are used to institutionalize interstate activities such as the allocation of natural resources such as water or the construction of bridges. Third and most importantly, compacts create ongoing administrative agencies which have jurisdiction over a wide variety of state concerns including public transportation.

(See Power Sharing on page 2)

Power Sharing continued from Page 1

resource management, taxation, economic development, corrections, and public safety. Although there have only been approximately 200 compacts which have been adopted since the founding of our Republic, the advantages of interstate cooperation in an era of "decentralized" government continue to give compacts wide appeal. The geography of our highly mobile society provides further incentive for interstate cooperation. According to recent Census figures, over 30 of the largest metropolitan areas in the U.S. extend across state lines. Moreover increasing numbers of environmental, transportation, corrections, public safety, and other state problems are not limited by one state's boundaries.

In the *Sims* case, *supra*, Justice Frankfurter rather succinctly and eloquently summed up the advantages of interstate compacts as a means of resolving problems which transcend the boundaries and provincial interests of a particular state rather than through "fractious litigation" among the states or a variety of inconsistent attempts by individual states to solve an inherently interstate problem requiring some degree of uniformity and cooperation. Referring to an earlier interstate dispute which the U.S. Supreme Court was called upon to resolve, Justice Frankfurter points out:

"Indeed, so awkward and unsatisfactory is the available litigious solution for these problems that this Court deemed it appropriate to emphasize the practical constitutional alternative provided by the Compact Clause. (Article I Section 10, Clause 3 of the U.S. Constitution) Experience led us to suggest that a problem such as that involved here is more likely to be wisely solved by cooperative study and by conference and mutual concession on the part of representatives of the States so vitally interested in it than by proceedings in any Court however constituted. . . A compact is more than a supple device for dealing with interests confined within a region. That it is also a means of safeguarding the national interest is well illustrated in the Compact now under review." Id. 341 U.S.@pp.24-25.

This description could also appropriately be applied to the proposed revisions to the Interstate Compact on Juveniles which is being comprehensively updated for the first time in nearly 50 years.

The revisions should also provide meaningful enforcement of this important public safety mechanism for

the first time, which provisions include a wide range of tools to secure compliance from technical assistance, mediation and arbitration to suspension, termination and legal action in federal court which will result in recovery of legal fees and costs by the prevailing party. In addition, the national commission administering the revised compact will have a full-time paid staff to provide training, technical assistance, advice and coordination of the Commission's administration of its responsibilities as well as its rulemaking to implement its powers and duties which will conform to the administrative law and due process requirements of the Administrative Procedures Act.

Development and maintenance of a comprehensive, secure and affordable information system is already being pursued by a working committee of compact administrators whose work will facilitate the implementation of such a system when the National Commission set up under the revised compact becomes operational. Information exchange and Commission meetings will be subject to appropriate privacy and open meetings laws under the new compact.

Perhaps no development in modern American government is more deserving to be designated as an example of "creative federalism" than the employment of interstate compacts to manage regional and multistate issues such as the Interstate Compact on Juveniles. It is a "shared power" approach which is becoming an inescapable necessity in order for states to preserve their sovereign authority over problems which transcend the boundaries of a state but which should remain under the jurisdiction of the several states. Compacts are an attractive and in some cases the only alternative to federal intervention and regulation and they offer an effective and enforceable means of addressing commonly shared problems, including transfer of potentially dangerous juveniles across state lines without relinquishment of authority to the central government. The AJCA and its officers are to be commended for their progressive and proactive approach to more effectively protect the interests of juveniles and the general public.

Interstate Compacts have three functions:

- ✓ resolve disputes between states
- ✓ institutionalize interstate activities
- ✓ create agencies having jurisdiction over concerns between states



OJDP FACT SHEET

John J. Wilson, Acting Administrator

September 2000 #12

Interstate Compact on Juveniles

by Christopher Holloway

The Interstate Compact on Juveniles (ICJ) is a multi-State agreement that provides the procedural means to regulate the movement across State lines of juveniles who are under court supervision. Specifically, ICJ is a legal contract between all 50 States, the District of Columbia, the Virgin Islands, and Guam that provides for the monitoring and/or return of any juvenile who:

- ◆ Has run away from home without the consent of a parent or legal guardian.
- ◆ Is placed on probation or parole and wants to reside in another State.
- ◆ Has absconded from probation or parole or escaped from an institution and is located in another State.
- ◆ Requires institutional care and specialized services in another State.
- ◆ Has a pending court proceeding as an accused delinquent, neglected, or dependent juvenile and runs away to another State.

What Is a Compact?

Simply stated, a compact is an agreement between two or more States for cooperative effort or mutual assistance. Dating as far back as the 1780's, compacts have been established to address issues that arise among States. Many of the earliest compacts were designed to settle boundary disputes. To solidify the contractual nature of compacts, Congress included in the Crime Control Act of 1934 a provision that States ratifying compacts are bound to observe the terms of the agreement until the compact is formally renounced by the State. Compact provisions take precedence over conflicting State laws and take precedence when the provisions are inconsistent with existing laws of a compact State.

History of ICJ

In the early 1950's, *Parade* magazine published a series of articles entitled "Nobody's Children," which depicted the plight of runaways in America. Inspired by these articles and recognizing that action

was needed, a group of organizations sought to develop a uniform set of procedures to facilitate the return of juveniles who ran away to other States and to create a system in which juvenile offenders could be supervised in other States. Representatives from the Council of State Governments, National Council on Crime and Delinquency (formerly the National Probation and Parole Association), National Council of Juvenile and Family Court Judges, American Public Welfare Association, National Association of Attorneys General, and Adult Parole and Probation Compact Administrators Association drafted ICJ to meet these needs. The Compact was approved by these organizations in January 1955 and ratified by all 50 States, the District of Columbia, the Virgin Islands, and Guam by 1986.

ICJ Today

The Association of Juvenile Compact Administrators (AJCA) compiles statistical data on Compact activities. Because many States do not report their Compact activities, AJCA is unable to provide exact figures on how many transfer and supervision cases occur annually. However, it estimates that ICJ is used in 20,000 to 30,000 transfer and supervision cases annually, with the majority of those cases consisting of juveniles on probation or parole who are supervised in a State other than the State where the offense and adjudication occurred. This is particularly common when a juvenile lives near a large city bordering another State. Frequently, the Compact deals with cases in which a juvenile's parents have moved to another State or have separated and one parent has moved out of State, thus creating a situation in which the juvenile is subject to dual-custody issues.

Association of Juvenile Compact Administrators

AJCA is made up of Compact administrators and deputies appointed by each State and other participating jurisdictions. It is responsible for developing and adopting the rules and regulations that currently govern the administration of ICJ. AJCA also plays an active role in:

- ◆ Providing for the uniform, cooperative, interstate supervision of juveniles on probation and parole.
- ◆ Providing for the prompt return (from one State to another) of juveniles who have run away from home and/or escaped from institutions.
- ◆ Promoting education about the Compact and probation and parole practices and providing training to juvenile justice professionals.
- ◆ Providing additional measures to protect juveniles and the public.

The Future of ICJ

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), in cooperation with the National Institute of Corrections (NIC) Information Center, has conducted a survey of juvenile justice professionals who work with ICJ. The goal of the survey is to assess the strengths and weaknesses of the current ICJ. The NIC Information Center is analyzing the information received and will document the findings in a report scheduled for release later this year. Once the report is completed, OJJDP, in cooperation with the Council of State Governments, will convene an ICJ advisory board to study the survey results and provide recommendations for the best course of action to address identified deficiencies in the Compact and its implementation.

For Further Information

Christopher Holloway
 ICJ Project Manager
 Office of Juvenile Justice and Delinquency Prevention
 810 Seventh Street NW.
 Washington, DC 20531
 202-305-9838
 holloway@ojp.usdoj.gov (e-mail)

Duane Edwards, President
 AJCA/Deputy Compact Administrator
 Interstate Compact on Juveniles
 P.O. Drawer 5160
 PERA Building, Room 227
 Santa Fe, NM 87502
 505-827-8478
 dledwards@cyf02.cyfd.state.nm.us (e-mail)

Christopher Holloway is a State Representative in OJJDP's State Relations and Assistance Division.

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

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Fact Sheet



U.S. Department of Justice
 Office of Justice Programs
 Office of Juvenile Justice and Delinquency Prevention
 Washington, DC 20531

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939.999 THE INTERSTATE COMPACT FOR JUVENILES (1)

ARTICLE I — PURPOSE.

(a)

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

(b)

do all of the following: p 1. p 2.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status offenders, subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact.

p 4.

p 3. who

who are

compact among

p 8. ensure

p 9.

before

10. ^{under 304.16}
 (A) establish a system of uniform data collection on information pertaining to juveniles ^{who are} subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) ^{introduce} monitor compliance with rules governing interstate movement of juveniles and ^{introduce} initiate interventions to address and correct non-compliance; ^{P 12} (L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; ^{P 13} and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases ^{in which} concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission ^{created herein} are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles ^{who are} subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact. ^{P (d)}

(B) (C)
 (2) **ARTICLE II** -- In this section:
DEFINITIONS.

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

- (a) ^{the} "By-laws" means: those by-laws established by the Interstate Commission for its governance, or for directing or controlling ^{the} its actions or conduct of the Interstate Commission.
- (b) ^{11 Comm 1551} "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact ^{who is} responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules ^{promulgated} adopted by the Interstate Commission and policies adopted by the ^{board} State Council ^{under} under this compact.

(d) "Compacting State" means any state which has enacted the enabling legislation for this compact.

(b) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact. *under sub. (3)*

(e) "Court" means any court having jurisdiction over delinquent, neglected, or dependent children. *juveniles*

(f) "Deputy Compact Administrator" means the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact *who is* responsible for the administration and management of the state's supervision *state* and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

(g) "Interstate Commission" means: the Interstate Commission for Juveniles created by *established* Article III of this compact. *under sub. (3)*

(h) "Juvenile" means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including: *all of the following*

1. (1) *Am* Accused Delinquent — a person charged with an offense that, if committed by an adult, would be a criminal offense. *means who is*

2. (2) *Am* Adjudicated Delinquent — a person found to have committed an offense that, if committed by an adult, would be a criminal offense. *who has been*

3. (3) *Am* Accused Status Offender — a person charged with an offense that would not be a criminal offense if committed by an adult. *who is*

4. (4) *Am* Adjudicated Status Offender — a person found to have committed an offense that would not be a criminal offense if committed by an adult, and *who is*

5. (5) *A* Non-Offender — a person in need of supervision who has not been *who is* accused or adjudicated a status offender or delinquent. *charged w/ or found to have committed*

(i) "Non-Compacting state" means any state which has not enacted the enabling legislation for this compact. *that*

Juveniles

(j)

"Probation or Parole" means: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

(k)

"Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

(l)

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

(or any other territorial possession of the U.S.)

(m) "State b2." means the Interstate juvenile b.d. (b) (to juveniles)

(n) State comment

(3) ARTICLE III - (5)

INTERSTATE COMMISSION FOR JUVENILES

State b.d. for interstate juv. supervision created by each compacting state under sub. ()

(a) A

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

Specified in this section

[incl. the parents sue & be sued]

(b) B

The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are

members of interested organizations. Such ^{those} non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, ^{and members of the} Interstate Compact for Adult Offender Supervision, ^{and members of the} Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ~~ex-officio~~ ^(non-voting) members. The Interstate Commission may provide in its by-laws for such additional ^(non-voting) ~~ex-officio~~ members, including members of other national organizations, in such numbers as shall be determined by the commission.

(d) D. Each compacting state represented at any meeting of the ^(interstate) commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the ~~Interstate~~ Commission.

(e) E. The ^(interstate) commission shall meet at least once each ~~calendar~~ ^{year}. The chairperson may call additional meetings and, upon the request of a ^{simple} majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public. *except as provided in par. (i)*

(f) F. The ^(interstate) Interstate Commission shall establish an executive committee, which shall include ~~a~~ ^{commission} officers, members, and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking ^(amending) or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; ^{that are} administer ^{the} enforcement and compliance with the provisions of the compact, ^{the} as by-laws and rules, and ^{shall} performs such other duties as directed by the Interstate Commission or ^{specified} set forth in the by-laws. *is entitled*

(g) G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote ^(may)

except that a

to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H.
(k)

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

the information or records

(i)

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

if the commission or committee

- 1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
- 2. Disclose matters specifically exempted from disclosure by statute;
- 3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
- 4. Involve accusing any person of a crime, or formally censuring any person;
- 5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- 6. Disclose investigative records compiled for law enforcement purposes;
- 7. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity.

do any of the following

- 8. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person ^{under par. (i)} or entity.
- 9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation ^{in a civil action or other} legal proceeding.

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

K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through ^{the} its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such ^{those} methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records. ^{what's?} the interstate commission's

(4) **ARTICLE IV**
POWERS AND DUTIES OF THE INTERSTATE COMMISSION

^{interstate} The commission shall have ^{all of} the following powers and duties: ^{to do all of the following:}

- (a) 1. To provide for dispute resolution among compacting states.
- (b) 2. To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of ^{statutory} law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

- (c) 3. To oversee, supervise and coordinate the interstate movement of juveniles ^{who are} subject to the terms of this compact ^{adopted by} and ^{the} laws ^{adopted} and rules promulgated by the Interstate Commission. *(the by laws and the rules)*
- (d) 4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, ~~and the by laws~~, using all necessary and proper means, including ~~but not limited to~~ the use of judicial process. *only by laws of*
- (e) 5. To establish and maintain offices which ^{that} shall be located within one or more of the compacting states.
- (f) 6. To purchase and maintain insurance and bonds.
- (g) 7. To borrow, accept, hire ^{or} contract for services of personnel. *that the interstate commission considers*
- (h) 8. To establish and appoint committees and hire staff which it deems necessary for ~~the~~ carrying out ~~of~~ its functions ^{including} but not limited to, an executive committee as required by Article III ^{sub. (f) that} which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties ^{of the interstate commission under this compact} hereunder. *-? take out?*
- (i) 9. To elect or appoint ^{such} officers, attorneys, employees, agents, or consultants, ^{to} and to fix their compensation, define their duties ^{to} and determine their qualifications; ^{to} and to establish the Interstate Commission's personnel policies and programs relating to, ^{to} inter alia, among other things ^{to} of conflicts of interest, rates of compensation, and qualifications of personnel. *ACING*
- (j) 10. To accept ^{any and all} donations and grants of money, equipment, supplies, materials, and services, ^{and to} receive, utilize, and dispose of it.
- (k) 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve ^{or} use any property ^{whether} real, personal, or mixed.
- (l) 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property ^{real, personal or mixed.}
- (m) 13. To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact. *sub. (8)*
- (n) 14. To sue and be sued.

- (s) 15. To adopt a seal and by-laws governing the management and operation of the Interstate Commission.
- (p) 16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact. Commission boards
- (q) 17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. ^{These} Such reports shall also include any recommendations ~~that may have been~~ adopted by the Interstate Commission.
- (r) 18. To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in ^{that} such activity.
- (s) 19. To establish uniform standards ^{for} of the reporting, collecting and exchanging of data.
- (t) 20. ~~The Interstate Commission shall~~ ^{to} maintain its corporate books and records in accordance with the By-laws.

(5) **ARTICLE V**

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) ^{Bylaws}

Section A. By-laws

The Interstate Commission shall, by a majority of the members present and voting, within ¹² twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to: and

bylaws that do all of the following

- 1. a. Establishing the fiscal year of the Interstate Commission.
- 2. b. Establishing an executive committee and such other committees as may be necessary.
- 3. c. Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission.
- 4. d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each ^{such} meeting.

- 5. e. Establishing the titles and responsibilities of the officers of the Interstate Commission.
- 6. f. Providing a mechanism for ^{winding up} concluding the operations of the Interstate Commission and ^{for returning} the return of any surplus funds that may exist upon the termination of the Compact after the payment ^{the} and/or ^{the} reserving of all of its debts and obligations. ^{of the interstate commission}
- 7. g. Providing ^{the} ~~standards~~ rules for initial administration of the compact; and
- 8. h. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

(b) Section B. Officers and Staff

- 1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have ^{the} ~~such~~ authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission, ^{except} ~~provided that~~, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.
- 2. The Interstate Commission shall, through its executive committee, ^{consider} appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but ^{may} ~~shall~~ not be a Member ^{of the interstate commission} and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

(c) Section C. Qualified Immunity, Defense and Indemnification ^{and rep's} ^{of the interstate commission}

- 1. The Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of

members, officers, (?)

property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a st reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; ^{Interstate} provided that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or ^{wilful} and wanton misconduct of any such person.

Intentional
conduct
gross
negligence
See Martine

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of ^{that} such person's employment or duties for acts, errors, or omissions occurring within ^{that} such person's state may not exceed the limits of liability ^{specified} set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or ^{wilful} and wanton misconduct of any ^{that} such person.

3. The ^{Interstate} Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall ^a defend such commissioner or ^{the} commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, ^{if} provided that the actual or alleged act, error, or omission did not result from intentional or ^{wilful} and wanton misconduct on the part of ^{that} such person.

4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against ^{those} such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or

responsibilities, or that ^{those} ~~such~~ persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that ^{willful} the actual or alleged act, error, or omission did not result from intentional or ~~wilful~~ and wanton misconduct on the part of ^{those} ~~such~~ persons.

(6) ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(A) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(B) Rulemaking shall occur ^{under} pursuant to the criteria ^{specified} set forth in this ^{subsection} article and the by-laws and rules adopted pursuant thereto. ^{under this subsection} Such rulemaking shall substantially conform to the principles of the ^{that} Model State Administrative Procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or ^{any} such other administrative procedures act, as the Interstate Commission ^{considers} deems appropriate consistent with due process requirements under the U.S. Constitution ^{as now or hereafter interpreted by the U.S. Supreme Court.}

for APA
5 USC 551

All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the ^{Interstate} Commission. ^{In the rule or amendment}

do all of the following

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

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

other

the rule-making record, including

(d)

Allow, not later than ⁶⁰ ~~sixty~~ days after a rule is promulgated, any interested person to file a petition in the ^{U.S.} ~~United States~~ District Court for the District of Columbia or in the ^{for the district in which} ~~Federal~~ District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this ^{paragraph} ~~subsection~~, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures ^{Act}.

(e) E

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

(f) F

The existing rules governing the operation of the Interstate Compact on Juveniles ^{under 923.991 & 938.992} ~~superseded~~ by this act shall be null and void ~~twelve~~ ¹² months after the first meeting of the Interstate Commission ~~created hereunder~~.

(g) G

Upon ^{determining} ~~determination~~ by the Interstate Commission that a ~~state of~~ emergency exists, ^{the int. commission} it may promulgate an emergency rule which shall become effective immediately upon adoption, ^{with this subsection on and shall be} provided that the usual rulemaking procedures provided hereunder shall be ^{retroactively} retroactively applied to ~~such~~ rule as soon as reasonably possible, ^{but no later than ninety} ~~but no later than ninety~~ ⁹⁰ days after the effective date of the emergency rule.

(7) ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles ^{whom} subject to this compact in the compacting states and shall monitor ^{these} such activities being administered in non-compacting states which may significantly affect compacting states.

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

(b) Section B: Dispute Resolution

- 1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.
2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.
3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article X of this compact.

(8) ARTICLE VIII FINANCE

(a) A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

- B. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff ^{which} must be in a total amount ^{that is} sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states ^{that} which governs ^{the} safe assessment.
- C. The Interstate Commission ^{may} shall not incur any obligations of any kind ^{before} prior to securing the funds adequate to meet the ^{those} obligations, nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
- D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its ^{by} laws. ~~However,~~ ^{all} receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

The interstate Commission

(9) ARTICLE IX
 THE STATE COUNCIL Board

shall
 State board

Each member state shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, ^{but the} its membership ^{of the state board} must include at least ^{each of} one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council ^{shall} will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties

at one rep of

the + SE. date of this prom. [insert date]

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

(10) ARTICLE X

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

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

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

which is later

AR. the initial eff. date of the compact

member states

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

(11) ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

(a) Section A. Withdrawal. Once effective, the compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law. The effective date of withdrawal is the effective date of the repeal.

except

repeal this section enact a law specifically repeal this section

or a compacting state's membership in the compact may be c. as per

3 The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within ⁶⁰ ~~sixty~~ days ^{after receiving that written notice} of its receipt thereof.

4 The withdrawing state is responsible for all assessments, obligations, and liabilities incurred ^(to) through the effective date of withdrawal, including any obligations the performance of which extend beyond the effective date of withdrawal.

5 Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission

(b) Section B: ~~Technical Assistance, Fines, Suspension, Termination and Default~~

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, ^(to) of the bylaws or ^(to the interstate commission) duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

- a. Remedial training and technical assistance as directed by the Interstate Commission.
- b. Alternative Dispute Resolution.
- c. ^{Forfeitures} Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and
- d. Suspension or termination of membership in the compact, which ^{may} be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has ^(R) therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice ^{of the supreme court} or the Chief Judicial Officer of the state, the majority and minority ^(L) leaders of the defaulting state's legislature, and the state council. ⁽²⁾ The grounds for default include, but are not limited to, failure of a compacting state to perform

^(any) such obligations or responsibilities imposed upon ^{the} it by this compact, the by-laws, or duly promulgated rules and any other grounds designated in commission by laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default ^{under which} pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the ^{written} commission, the defaulting state ^{shall} be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges ^{and} and benefits conferred by this compact shall be terminated from ^{beginning on}

the effective date of termination.

⁽³⁾ Within ⁽⁶⁰⁾ sixty days ^(at) of the effective date of termination of a defaulting state, the ^(Interstate) Commission shall notify the Governor, the ^(of the supreme ct) Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state ^(council) council of such ^(the) termination.

4. ⁽³⁾ The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. ⁽³⁾ The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

6. ⁽³⁾ Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission ^(under) pursuant to the rules. ^(of the Interstate Commission)

(c) Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the ^(U.S.) United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce

for the district in which

compliance with the provisions of the compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

(d) Section D: Dissolution of Compact.

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.
2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

(12) ARTICLE XII
SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

(13) ARTICLE XIII
BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Section A: Other Laws

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

(b) Section B: Binding Effect of the Compact.

1. All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

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