

# Interstate Compact for Juveniles

ICJ Rule Amendments  
Effective April 1, 2014



# Overview

- Clarify editorial changes to rules
- Clarify changes to definitions
- Discuss substantive changes to rules and processes
- Resolve how rule changes affect staff



# Outline

New Order of Rules

Editorial Changes

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Rescinded Definitions

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New Definitions

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Substantive Changes



# New Order of Rules

- 100 • Definitions
- 200 • General Provisions
- 300 • Forms
- 400 • Transfer of Supervision
- 500 • Supervision in Receiving State
- 600 • Voluntary & Non-Voluntary Return of Juveniles/Runaways
- 700 • Additional Return Requirements for Sections 500 and 600
- 800 • Travel Permits
- 900 • Dispute Resolution, Enforcement, Withdrawal, and Dissolution
- 900 • Transition Rule - Expired



# Outline

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Substantive Changes



# Editorial Changes

- Rule 1-101: Adjudicated Status Offender

A person found to have committed an offense that would not be a criminal offense if committed by an adult.

Effect of amendment:

- *Makes the definition consistent with the statutory language*

Effective April 1, 2014



# Editorial Changes

- Rule 1-101: Home Evaluation/Investigation

An evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

Effect of amendment:

- *Clarifies the term as used in the ICJ Rules*

Effective April 1, 2014



# Editorial Changes

- Rule 1-101: Juvenile Sex Offender

A juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.

Effect of amendment:

- *Clarifies which state determines the nature of the offense*

Effective April 1, 2014



# Editorial Changes

- Rule 2-102: Data Collection

Language deleted:

- Institutionalization
- Out of State Confinement

- Effect of amendment:

- *Deletes unneeded language*

Effective April 1, 2014



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# Rescinded Definitions

- Rule 1-101
  - Aftercare (temporary community placement)
  - Custody

Effective April 1, 2014



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# New Definitions

- Rule 1-101 Residential Facility

A staffed program that provides custodial care and supervision to juveniles.

Effective April 1, 2014



# New Definitions

- Rule 1-101 Sanction

Requirement imposed upon a juvenile for non-compliance with terms of supervision.

Effective April 1, 2014



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Substantive Changes



# Substantive Changes

2-103

- Adoption of Rules and Amendments

4-101

- Eligibility Requirements for the Transfer of Supervision

4-102

- Sending and Receiving Referrals

4-103

- Transfer of Supervision Procedures for Juvenile Sex Offenders

5-101

- Supervision/Services Requirements

NEW 5-103

- Reporting Juveniles Non-Compliance, Failed Placement and Retaking



# Substantive Changes

6-103

- Non-Voluntary Return of Non-Delinquent Runaways and/or Accused Status Offenders

6-103A

- Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent

NEW 6-104

- ICPC Recognition

6-104

- Return of Juveniles Whose ICJ Placement has Failed (Rescinded)

7-102

- Public Safety

8-101

- Travel Permits



# Rule 2-103: Adoption of Rules and Amendments

- A draft of proposed rules and/or amendments to rules will be prepared by the Rules Committee “not later than the next annual meeting falling in an odd-numbered year.”
- No additional rules or amendments shall be made from the floor at the time proposed rules/amendments are voted on

Effective April 1, 2014



# Rule 4-101: Eligibility Requirements for the Transfer of Supervision

- Changed Rule title from Processing Referrals to Eligibility Requirements for the Transfer of Supervision
  - *4-101(2) language changed to clarify that a compact eligible juvenile cannot relocate without a valid transfer*
  - *4-101(2)(f)(2) clarified with “accredited” secondary schools*
  - *4-101(3) amended language to clarify treatment of cases with concurrent jurisdiction with the ICPC*
  - *4-101(4) moved from 4-101(3)*

Effective April 1, 2014



# Rule 4-101A: Transfer of Students

- Rescinded
  - *Unnecessary to distinguish full-time students from other eligible juveniles in a separate rule*

Effective April 1, 2014



# Rule 4-102: Sending and Receiving Referrals

- 4-102 (4) The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state
- *Rule amended to clarify that the timely acquisition of additional documentation by the receiving state will not delay the investigation*

Effective April 1, 2014



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

4-103(2): When it is necessary to place a juvenile sex offender out of state with a custodial parent or legal guardian prior to the acceptance of supervision, **and there is no custodial parent or legal guardian in the sending state**, the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement...

Effective April 1, 2014



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

- Rule amended to clarify which provisions of Rule 4-104 (*previously 5-101(4)*) apply
- Language added to clarify where reporting instructions can be found

Effective April 1, 2014



# Rule 5-101: Supervision/Services Requirements

- Rule amended to give the receiving state authority to impose conditions on transferred juvenile and to clarify the cost incurred due to conditions imposed by the receiving state are not the responsibility of sending state
- Added “sanctions” and deleted “detention time in the receiving state”

Effective April 1, 2014



# NEW Rule 5-103 Reporting Juvenile Non-Compliance, Failed Placement and Retaking

- If a juvenile is out of compliance with conditions of supervision, the receiving state shall notify the sending state of the conditions violated within 10 business days of discovery
- The sending state shall respond to a violation report within 10 business days with the action to be taken
- The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within receiving state

Effective April 1, 2014



# NEW Rule 5-103 Reporting Juvenile Non-Compliance, Failed Placement and Retaking

- The sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile(s) within 5 business days
- New fields on the Form IX will accommodate new requirements of this rule

Effective April 1, 2014



# Responsibilities

## Receiving State

- Notify sending state of violations within 10 business days

## Sending State

- Respond to report of violations made by receiving state within 10 business days
- Can decide to retake juvenile without review within the receiving state
- Will facilitate transportation arrangements for return of juvenile within 5 business days



# Rule 6-103: Non-Voluntary Return of Non-Delinquent Runaways and/or Accused Status Offenders

- Changed Rule title from Non-Voluntary Return of Out-of-State Juveniles to Non-Voluntary Return of Non-Delinquent Runaways and/or Accused Status Offenders
- Changed rule to clarify the return process for Form I and Form II non-voluntary returns.

Effective April 1, 2014



# Return Process

## Home/Demanding State

- Maintains contact with authorities preparing for requisition

## Parent/Legal Guardian or Custodial Agency

- Petitions court jurisdiction for requisition within 60 days

## Home/Demanding State

- Appropriate authority initiates requisition process upon notification
- Form I forwarded to ICJ Office
- Office ensures packet is prepared

## ICJ Office of Juvenile's Location

- Forwards Form I to appropriate court and requests hearing within 30 days

Effective April 1, 2014



# Return Process

## Holding State

- Court in holding state informs juvenile of demand made for his/her return
- Holding court forwards order concerning requisition immediately to holding state's ICJ office who then forwards it to home/demanding state's ICJ office  
(Juveniles held in detention may be held for maximum 90 calendar days)

## Home/Demanding State

- Juvenile returned by home/demanding state within 5 business days of receipt of order granting requisition

## Officers

- Duly accredited officers transports juvenile without interference

Effective April 1, 2014



# Rule 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent

- New rule to replace 6-103 and split the return process for clarity
- This rule describes use of Form II in the requisition process

Effective April 1, 2014



# Return Process

## Home/Demanding State

- Maintains contact with authorities preparing for requisition

## Requisitioner in Home/Demanding State

- Presents court/authority with Form II (if juvenile in custody, must be within 60 days)

## Home/Demanding State

- Appropriate authority signs Form II
- Form II forwarded to ICJ Office
- Office ensures packet is prepared

## ICJ Office of Juvenile's Location

- Forwards Form II to appropriate court and requests hearing within 30 days

Effective April 1, 2014



# Return Process

## Holding State

- Court in holding state informs juvenile of demand made for his/her return
- Holding court forwards order concerning requisition immediately to holding state's ICJ office who then forwards it to home/demanding state's ICJ office  
(Juveniles held in detention may be held for maximum 90 calendar days)

## Home/Demanding State

- Juvenile returned by home/demanding state within 5 business days of receipt of order granting requisition

## Officers

- Duly accredited officers transports juvenile without interference

Effective April 1, 2014



# Rule 6-104: Return of Juveniles Whose ICJ Placement Has Failed [Rescinded]

- Rule rescinded due to approval of new Rule 5-103: Reporting Juvenile Non-Compliance, Failed Placement and Retaking

Effective April 1, 2014



# NEW Rule 6-104 ICPC Recognition

- ICJ recognizes the authority of ICPC under Article V of the Interstate Compact for the Placement of Children and supports their authority to return ICPC youth who have run away from their out-of-state placement resulting in a demand for their return by the sending state. In the event a juvenile is held in a secure facility beyond twenty-four (24) hours (excluding weekends and holidays), the appropriate provisions of the ICJ rules shall apply.

Effective April 1, 2014



# Rule 7-102: Public Safety

- Struck paragraph 3 because language incorporated into new Rule 6-103A.

Effective April 1, 2014



# Rule 8-101: Travel Permits

- Paragraph 2 amended to state: Juveniles placed in residential facilities shall be excluded from this rule; however, state may elect to use the Travel Permit Form for notification purposes.
- *Rule amended to exclude requirement of travel permits for youth in residential facilities*

Effective April 1, 2014



# Contact Information

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