



ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS

Mid-Winter Workshop

March 20, 2003

Philadelphia, Pennsylvania

Meeting Minutes

Officers Present:

Ronald J. Leffler, President, IN Parole
Donna Bonner, Vice President, TX
M. Jody Taylor, Secretary, ID
Cindy Pittman, Treasurer

Secretariat:

Kristine C. Prince

Members Present:

Darrell Morong, AZ
Joann Phillips Rohan, D.C.
Amanda Beagles, FL
Mark Boger, ME
Cynthia Yim, MD
Maxine Baggett, MS
John Paradis, MT
Linda Bowmer, NV
Dennis Wertz, NJ Parole
John Gusz, NJ Probation
Dale Dodd, NM
James Eakins, OK
Amanda Behe, PA
Larry Yarberough, PA
Michelle Latter, VA
Lisa Catlett Price, VA

Guests:

Tanya Leshko, Office of General Counsel, PA

1. WELCOME/ROLL CALL

Ron Leffler welcomed everyone to the second day of the AJCA Mid-Winter Workshop. Roll call was taken by the Secretariat.

2. REGIONAL MEETINGS/IDENTIFICATION OF AREAS OF COMMON CONCERN

The agenda called for dividing the group into regions to discuss some areas of common concern, but it was decided to discuss these issues with the entire group instead. The following issues were identified and possible solutions suggested:

- Airport Supervision: The need for supervision services at all major airports throughout the country was mentioned and the fact that it is the responsibility of each ICJ office to see that this supervision is provided.
Suggested Solution: ICJ offices should work closely with local agencies to form good working relationships so that they will be willing to provide airport supervision.

- Home Evaluations: There appear to be mixed messages over whether home evaluations are required or not. Although Rule 4-102 already addresses home evaluations. It was suggested that language be added to the rule listing specific information that needs to be included in the home evaluation.
Suggested Solution: This issue should be given to the Rules and Regulations Committee for their review and recommendation.
- Requisitions: There was a question about whether requisitions need to have a court docket number assigned to them in order to be enforced. It was pointed out that a petition should *not* be included with the requisition packet because the added information in the petition may give the judge more information than is necessary and the result may be that the judge denies the requisition based on the information in the petition rather than the information in the requisition. Ms. Bonner provided the members with sample court documents (Attachment B).
Suggested Solution: The Rules and Regulations Committee needs to review this process. Information should also be put into the Manual as part of the Procedures section.
- Border Agreements: The legality of border agreements between separate states needs to be reviewed. Currently, there is a border agreement between the District of Columbia and the States of Maryland and Virginia. However, the agreement was decided upon by court staff without any input from the ICJ offices in those states. Mr. Leffler suggested that AJCA ask Rick Masters of the Council of State Governments to provide a legal opinion on this issue. During this discussion, there was also mention of another agreement between states known as the *Uniform Juvenile Court Act*. Ms. Bonner stated that a legal opinion from the State of North Dakota states that the Interstate Compact on Juveniles supersedes the *Uniform Juvenile Court Act*. This legal opinion can be found in the Legal Digest section of the Manual.
Suggested Solution: AJCA should ask Rick Masters for a legal opinion on the legality of border agreements.
- Housing of Non-Delinquent Runaways in Secure Detention: Ms. Bonner pointed out the letter written ten years ago by OJJDP Acting Director, John Wilson concedes that putting non-delinquent youth in secure confinement will result in violations of federal statutes. However, if a state goes over its limit of violations, those violations resulting from housing non-delinquent runaways through the ICJ will be subtracted from the count of violations.
Suggested Solution: Ask current OJJDP Director Robert Flores to update the letter on housing non-delinquent runaways under the ICJ in secure detention. Also, ask the Rules and Regulations Committee to draft a definition of a "secure facility" and review Rule 6-102, 1 and 2. Is this rule in conflict with the law?

- Mediation Procedures: It was suggested that the current mediation procedure on page 2.49 of the manual be reformatted to read Step 1, A, B and C and then “or” Optional Step for Emergency Procedures.”
Suggested Solution: Refer this suggested change to the Manual Committee.
- Meeting Attendance: Ms. Bonner suggested that the group begin now to consider ways AJCA can assist more states to send representatives to the Annual Meeting in August. Perhaps there are some federal funds available to help fund travel costs of those states who cannot afford to send representatives. Mr. Paradis suggested that the language in the Rules and Regulations be strengthened in discussing the responsibility of states to send representatives. It was also suggested that the AJCA President write a letter to agency directors encouraging them to send representatives to the Annual Meeting “because decisions will be made at that meeting which will bind and affect your state.”
Suggested Solution: The AJCA President should send a letter to agency directors, encouraging them to send representatives to the Annual Meeting in August.

3. HIPAA PRESENTATION

Mr. Leffler introduced Tanya Leshko, Office of General Counsel, Commonwealth of Pennsylvania, who presented on HIPAA (Health Insurance Portability and Accountability Act) passed in 1996 (Attachment C). Ms. Leshko explained that this law was intended to improve the efficiency and effectiveness of the health care system and requires certain protections of security and privacy of protected health information maintained electronically and otherwise.

HIPAA applies to any “covered entity” which may include ICJ offices that provide health care information regarding any juvenile during the transfer of case information from one state to another. If your agency falls under the definition of a “covered entity,” then you must comply with the HIPAA privacy rules governing the use and disclosure of this protected health information. If you are a “covered entity,” your agency is also required to have security measures enacted in order to protect this information. Those security measures involve the designation of a privacy officer, training, safeguards, a complaint process, sanctions/disciplinary actions, duty to mitigate, and documentation. Safeguards include appropriate administrative, technical, and physical safeguards to protect health information.

Failure to comply with HIPAA regulations could result in civil money penalties of \$100 per violation, not to exceed \$25,000 per year. Criminal penalties may be applied in cases where an agency wrongly disclosed or obtained protected health information.

4. RULES AND REGULATIONS

Members were divided into groups to discuss proposed revisions to the Rules and Regulations (Attachment D). Each group was asked to report back to the group later in the afternoon. The working groups made the following recommendations:

Group # 1: Revision to Rules 6-114 - Air Transportation
Revision to Rule 6-115 - Airport Supervision
Reporter: Darrell Morong
Group Members: Jody Taylor, Mark Boger, Lisa Catlett Price and Darrell Morong

Mr. Morong reported that the group had drafted the following revised language for Rule 6-115: *Each state ICJ office shall ensure that supervision and assistance is provided to unescorted juveniles at intermediate airports, enroute to the home/demanding state.*

The group also proposed new language as paragraph #4 under Rule 6-114 stating: *In cases where a youth subject to the Interstate Compact on Juveniles is being transported by a commercial airline carrier, the holding state shall make every effort to ensure that the youth has a picture identification; or lacking that, a copy of the signed ICJ Form III in his/her possession.*

Group #2: Revision to Rule 4-109 - Closure of Cases
Revision to Rule 6-102 - Return of Runaways
Reporter: John Paradis
Group Members: James Eakins, Amanda Behe, Dennis Wertz, and John Paradis

The group recommended adding paragraph #5: *After the receiving state has accepted a probation or parole case for supervision, the sending state shall place the offender within 180 days. If placement is not made in the receiving state within this time frame, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the 180-day time frame providing an explanation or may submit updated history/information on the offender and request an updated home assessment from the receiving state.*

Rule 6-102: The group recommended the following definition of "secure facility:" *For the purposes of Rule 6-102, a secure facility is one which is either staff-secure or locked and which prohibits a runaway juvenile in custody from leaving the facility.*

Rule 6-102: The group recommended adding the proposed definition of "custody:" *Custody is the status created by legal authorities of placement of a youth in a staff-secure*

or locked facility.

Group #3: Border Agreements

Article IV and the Runaway Amendment, the Non-Voluntary Return of Non-Delinquent Runaways, Manual page 3.22

Reporter: Dale Dodd

Group Members: Larry Yarberough, Cynthia Yim, Joann Phillips Rohan, Donna Bonner, and Dale Dodd

Group 3 proposes to add a new rule regarding border agreements: *Transfer of supervision can only be effected through the Interstate Compact on Juveniles, which supersedes the Uniform Juvenile Court Act and all border agreements of juvenile probation and parole departments that conflict with the Interstate Compact on Juveniles.* No suggestions were made regarding the numbering of this proposed new rule.

Under Article IV and the Runaway Amendment, The Non-Voluntary Return of Non-Delinquent Runaways, Manual page 3.22, delete the word "petition" and "petitions" from paragraph 12 and reword it appropriately.

Add a new paragraph 13, stating: *The ICJ office may forward a new optional form which is the "petition" for requisition.* Then renumber other items as appropriate.

At the end of paragraph 14, add ". by using new optional form if desired."

Group 4: Meeting Attendance

Proposed Sex Offender Rule

Reporter: Linda Bowmer

Group Members: John Gusz, Ron Leffler, Maxine Baggett and Linda Bowmer

The group recommended that a letter from the AJCA President go out to all states encouraging them to send a representative to the Annual Meeting and outlining each state's attendance responsibilities under the compact.

The group made the following suggested changes to the 2-11-03 proposed Sex Offender Rule submitted by Paul Gibson (See Attachment D):

First paragraph: change wording to "*any specific recommendations for supervision.*"

Second paragraph: needs more work. No specific suggestions made.

Third paragraph: leave as it is written, quarterly reports are sufficient.

Fourth paragraph: Change "sending state" to "receiving state." This paragraph should make the receiving state more responsible. This paragraph needs more discussion.

Fifth paragraph: This paragraph needs more review and revision.

Definitions Section: Strike out "or other adjudicatory authority."

5. **ADJOURN**

Mr. Leffler thanked all those who participated in the work groups for Rules and Regulations. The meeting was then adjourned.

Respectfully Submitted:

Kristine Prince, AJCA Secretariat
April 16, 2003