

ICJ RENDITION AMENDMENT



The Rendition Amendment is valid only between those states and jurisdictions that are signatory to the Amendment. (Rule 6-107) The Amendment is used when a juvenile has not been adjudicated delinquent but has pending charges and flees to avoid prosecution. Two or more states may be seeking the juvenile's return to their state.

All provisions and procedures of Article V and VI apply.

PROCESSES

1a. A juvenile with charges pending in the home state flees to another state.

OR:

1b. A juvenile leaves the home state without permission, commits a crime in a second state, and is found in a third state.

2. Juvenile is picked up by police.

3. Police turn juvenile over to juvenile authorities.

4. Juvenile authorities take juvenile into court to have ICJ Form III, Consent for Voluntary Return by Runaway, Escapee or Absconder, signed.

5. After being advised of his/her rights, juvenile refuses to sign the form and voluntarily return to the home and/or demanding states.

6. The juvenile court worker notifies the holding state's ICJ Office that the juvenile refused to sign the consent form. The holding state's ICJ Office notifies the home state's ICJ Office, and demanding state's ICJ Office, if applicable.

7. The home state's ICJ Office, and demanding state's ICJ Office, if applicable, notifies the juvenile probation officer of youth's refusal to sign.

8. The juvenile probation officer, county attorney or district attorney completes ICJ Form II, Requisition for Escapee or Absconder/ Juvenile Charged with Being Delinquent.

OR: (If the youth is not in custody but his/her whereabouts are known, the requisition will state the location of the youth. The judge in the asylum state will issue an order for the juvenile to be brought into custody.)

9. Differences on ICJ Form II between Article V and the Rendition Amendment:

a. The second box in the header must be checked for the Rendition Amendment instead of the first box.

b. In the first paragraph, the box "has Fled to avoid prosecution (Rendition Amendment)" must be checked.

c. Check the box by the word "Fled" (After the phrase "And despite applicable provisions of law, said juvenile has:")

- d. Complete item number one regarding "Particulars of adjudication or allegations of delinquency."
 - e. Complete item number two regarding the "Circumstances of breach of ... fleeing to avoid prosecution."
 - f. The rest of the requisition is completed with the juvenile's information.
10. From this point, the process is the same as Article V. Please reference Article V processes #9-21. The signatory authority is the judge who signed the directive to apprehend (warrant).
 11. The home/demanding state's ICJ Office shall utilize such measures and arrangements to ensure the safety of the public and of juveniles being transported.
 12. The home/demanding state's ICJ Office is 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 ICJ Office that the juvenile's due process rights have been met. (Rule 6-109)
 13. 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. (Rule 6-110)

Also see Rules:

- 6-111 Charges Pending in the Holding/Receiving States
- 6-112 Warrants
- 6-113 Detention

INTERSTATE COMPACT ON JUVENILES

- REQUISITION FOR ESCAPEE OR ABSCONDER
 REQUISITION FOR JUVENILE CHARGED WITH BEING DELINQUENT (RENDITION AMENDMENT)



FORM II

FORM II

TO: Judge Sam Massey, Lancaster County Juvenile Court, Lincoln, NE DATE: March 1, 2004
(Appropriate Court or Executive Authority)

FROM: The 310th Judicial District Court, Eddy County, Carlsbad, New Mexico
(Name of Court or Agency)

I, Jeanne Hirschman requisition the return of Daniel Daumueller born on August 5, 1988 in accordance with the Interstate Compact on Juveniles, Article V and the Rendition Amendment, Return of an Escapee, Absconder, or Juvenile Charged with being Delinquent. Said juvenile (check appropriate item):

- was paroled to the custody of _____
 was placed on probation subject to the supervision of _____
 was committed to _____ (institution or agency)

OR

has fled to avoid prosecution (Rendition Amendment) and, despite applicable provisions of law, has:
 escaped absconded fled (Rendition Amendment)
and is now believed to be in your jurisdiction at Lancaster County Juvenile Detention Center

Juvenile's physical description: Height: 5'5" Weight: 165 lbs Eyes: Brown Hair: Brown Race/Sex: W/M
Identifying marks or scars: Acne scars

Attached are two certified true copies of the judgment, formal adjudication, order of commitment, or petition alleging delinquency, verifying juvenile's legal status.

1. Particulars of adjudication or allegations of delinquency: On 12-19-03, subject allegedly committed the offense of Aggravated Assault with Intent to Cause Great Bodily Injury.

2. Circumstances of breach of terms of probation, parole, escape from institution or fleeing to avoid prosecution: On 12-23-03, an Order of Immediate Custody was issued. Subject's whereabouts were unknown.

Accordingly, the undersigned hereby prays for the return of said juvenile as authorized by the Interstate Compact on Juveniles.

If Requisition is honored, please notify: Dale Dodd, NM ICJ Office, PO Box 5160, PERA Bldg., #227
Santa Fe, NM 87502 (505) 827-8478 (Name, title, address, telephone no.)

Signed: /s/ Judge Mike Sinclair March 1, 2004
(Judge or Compact Official) (Date)

(Requisition must be verified by affidavit, signed by requisitioner, and notarized.)

AFFIDAVIT OF VERIFICATION

/s/ Jeanne Hirschmann
(Signature of Requisitioner)
On this 1st day of March 2004 personally appeared before me Jeanne Hirschmann proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged that he she executed the same.

Subscribed and sworn to before me on this 1st day of March 2004.

/s/
NOTARY PUBLIC

Residing at: Carlsbad, Eddy County, New Mexico

My Commission expires: 01/21/07

This is the official ICJ Form II as approved by AJCA in August 2000. 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. No other form may be substituted. (See Rule 2-103: Revision/Modification of Forms)

NO. _____

STATE OF Nebraska § COURT OF Juvenile Court
COUNTY OF Lancaster §
IN THE MATTER OF §
Daniel Daumueller §
D.O.B. 08-05-1988 §

**PETITION FOR HEARING ON REQUISITION FOR
ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT**

TO THE HONORABLE Sam Massey:

NOW COMES the State of Nebraska by and through the Compact Administrator
(holding/asylum state)
and moves this Court to set a hearing and enter an order for the apprehension and confinement of

Daniel Daumueller pending his/her transfer to New Mexico pursuant to
(name of juvenile) (home/demanding state)
Article V or the Rendition Amendment of the Interstate Compact on Juveniles ("ICJ"), and the

Nebraska 43:1001-1007 and would show as follows:
(holding/asylum state's statute)

**I.
JURISDICTION AND VENUE**

This Petition for Hearing seeks the apprehension and confinement pending transfer of

Daniel Daumueller to New Mexico, pursuant to Article V or the Rendition Amendment
(name of juvenile) (home/demanding state)

of the Interstate Compact on Juveniles ("ICJ"), the Nebraska 43:1001-1007 and Rule § 85,
(holding/asylum state's statute)

Chapter 3 of the NAC 3156 Administrative Code, if applicable.
(holding/asylum state's administrative code)

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee,
Absconder or Juvenile Charged as Delinquent filed by the State of New Mexico under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, Daniel Daumueller: (check one) 1. has been
(name of juvenile)
found/located in _____ County/Parish with his/her _____
(relationship)

or 2. is being held in secure detention in this county/parish pending receipt of this requisition from

New Mexico.
(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant Daniel Daumueller, a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

This action is brought by the State of Nebraska acting through the Compact Administrator, and arises out of the prescriptions of the Interstate Compact on Juveniles, ("ICJ"), Article V or the Rendition Amendment thereof, which requires the Court to enter an Order to apprehend and later surrender

Daniel Daumueller in Huntsville, Nebraska to local representatives of the ICJ. Office in New Mexico.

This action originated in New Mexico when on 12-19-03, Daniel Daumueller allegedly committed the offense of Aggravated Assault with Intent to Cause Great Bodily Injury. On 12-23-03, an Order of Immediate Custody was issued. Subject's whereabouts were unknown.

On 12-23-03, a Warrant of Apprehension was issued by the court or agency in New Mexico. Since Daniel Daumueller was: 1. now residing in 2. was found/located in this jurisdiction, a Requisition for Escapee, Absconder or Juvenile Charged as Delinquent, issued under Article V or the Rendition Amendment of the ICJ, was issued by the New Mexico authorities, seeking the return of Daniel Daumueller to serve out the terms of his/her probation, parole, commitment, or to have a hearing regarding the pending charges.

1The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. Terrazas v. Ramirez, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both Nebraska and New Mexico have adopted the Interstate Compact on
(holding/asylum state) (home/demanding state)
Juveniles ("ICJ"). See Nebraska 43:1001-1007; and NMSA 32A-10-1.
(holding/asylum state's statute) (home/demanding state's statute)

Under Article V of the ICJ, a state "from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped...shall present to the appropriate court ... where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile ... Upon receipt of the requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court shall issue an order to any such peace officer or appropriate person directing him to take into custody and detain such delinquent juvenile...If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding."

Under the Rendition Amendment of the ICJ, all provisions and procedures of Articles V and VI of the ICJ shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law... Any juvenile charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state where the juvenile may be found... A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed...The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition...The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

In the instant case, Daniel Daumueller, a juvenile: (check one) was not given permission to
(name of juvenile)
leave ----- by his/her (check one) probation, parole officer, or agency, or is
(home/demanding state)
alleged to have committed a criminal act in the State of New Mexico and fled the state. This
(home/demanding state)
Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from

