

ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS

RULES AND REGULATIONS FOR ADMINISTRATION OF THE INTERSTATE COMPACT ON JUVENILES

FOREWORD

This document is designed to provide Interstate Compact on Juveniles administrators and decision-makers with Rules and Regulations for the administration of the Uniform Interstate Compact on Juveniles. These Rules and Regulations as adopted by the Association of Juvenile Compact Administrators are the product of members who have shared their knowledge, experience, and concerns for promoting effective and uniform administration by Interstate Compact on Juveniles signatory states and territories. It is the position of the Association that Compact administrators shall allocate resources necessary for compliance with these Rules and Regulations.

By the authority of Article XII, Compact Administrators, of the Uniform Interstate Compact on Juveniles, these Rules and Regulations are adopted. Article XII states *"That the Governor of each state party to this Compact shall designate an officer who, acting jointly with the officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this Compact."*

It shall be the responsibility of the Compact Administrator (or designee) of every state and territory party to the Interstate Compact on Juveniles to promulgate these Rules and Regulations to all juvenile justice officials in their individual states.

Adopted this the 9th day of August, 2006.

SECTION 100 DEFINITIONS

RULE 1-101: DEFINITIONS**As used in these rules, unless the context clearly requires a different construction:**

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

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

Adjudicate: means the exercise of judicial authority to decide a legal controversy in a court of competent jurisdiction.

Adjudicated Juveniles: means 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.

Affidavit: means 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: means 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.)

Asylum State: means, for purposes of the ICJ Return Articles, the state to which a juvenile flees seeking immunity or protection from arrest or extradition.

Board: means the elected officers and board members of the AJCA.

Commitment: means 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: means a person designated by statute or appointed by the Governor of each state who is responsible for coordinating the operations of the Interstate Compact on Juveniles.

Conditional Release: means the release of a juvenile under special terms or conditions as specified by the court or agency of jurisdiction.

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

Correspondent: means 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): means a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under this compact.

Court: means any state judicial entity which is constitutionally established and vested with jurisdiction over dependent, neglected children, delinquent juveniles, and/or status offenders.

Court Order: means an authorized order by a court of competent jurisdiction.

Custody: means the status created by legal authorities for placement of a juvenile in a staff-secured or locked facility approved for the detention of juveniles.

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

Demanding State: means, for purposes of the ICJ Return Articles, the state having jurisdiction over a juvenile seeking the return the juvenile either with or without pending delinquency charges.

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

Detention Order: means an order entered by the court to detain a specified juvenile pending further orders or action by the court.

Due Process: means legal proceeding(s) conducted in a manner consistent with the requirements of the 5th and 14th Amendments to the Constitution of the United States.

Emancipation: means the legal status in which a minor has achieved independence from parents or legal guardians, whether by reaching the age of adulthood, marriage before reaching the age of adulthood, by becoming fully self-supporting, or by order of the court.

Emancipated Juvenile: means a juvenile who is not eligible for services pursuant to the provisions of the Interstate Compact on Juveniles, with the exception of an emancipated juvenile who 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 in which case the home state of emancipation must accept supervision.

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

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

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

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

Hearing: means a proceeding in which issues of fact or of law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

Home State: means, for purposes of the ICJ Return Articles, the state of residence or origin.

Holding State: means, for purposes of the ICJ Return Articles, the state having physical possession of a juvenile.

Interstate Compact on Juveniles: means the agreement pertaining to the legally authorized transfer of supervision and care as well as the return of juveniles from one state to another which has been adopted by all member states who have enacted legislation in substantially the same language.

Investigation: means a legal and 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: means 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.

Juvenile Sex Offender: means a juvenile under the jurisdiction of a court or agency for an offense involving sex or of a sexual nature.

Legal Custodian: means 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: means the court which has the legal authority over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.

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

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

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

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

Out-of-State Confinement Amendment: means the amendment which permits states to make agreements for out-of-state confinement of juveniles such as parole and probation violators, escapees, and absconders.

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

Peace Officer: means sheriffs, deputies, constables, marshals, police officers, and other officers whose duty is to enforce and preserve public peace.

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

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

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

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

Probation: means 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: means to put a law or regulation into effect by formal public announcement and publication.

Reasonable Time: means, for the purpose of testing the legality of requisition proceedings, a maximum of fourteen (14) working days.

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

Rendition Amendment: means the amendment which 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: means 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 member states. (See Article XIV.)

Requisition: means 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: means 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: means 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.

Secure Facility: means, for the purposes of Rules 6-102 and 6-113, a secure facility is one which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

Sending State: means a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the Interstate Compact on Juveniles.

Sex Offender: means an offender who has committed a criminal offense which is classified as a sex crime in the state in which it is committed.

State: means any state, territory, or possession of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and the Northern Marianas.

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

Status Offenders: means 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, 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.], and who are eligible for services under the provisions of the ICJ.

Termination: means 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: means 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: means a person placed by authority of law under the care and supervision of the court.

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

SECTION 200 GENERAL PROVISIONS

RULE 2-100: ICJ AUTHORITY

The Interstate Compact on Juveniles supercedes the Uniform Juvenile Court Act and all border agreements of juvenile probation and parole departments that conflict with the compact.

RULE 2-101: APPOINTMENT

Each state that is a 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 2-102: QUALIFICATIONS

Each state that is a party to the Interstate Compact for Juveniles shall assign staff who possess a working knowledge of the juvenile justice system and who are professionally competent and qualified.

RULE 2-103: ATTENDANCE

Each compact administrator, or designee, shall attend and/or permit staff to attend the annual meeting of the Association of Juvenile Compact Administrators to be eligible to vote on compact matters considered at such meeting. Each Interstate Compact on Juveniles administrator shall encourage and permit staff to attend & participate in state, regional and national professional conferences and meetings including the AJCA mid-year meeting.

RULE 2-104: STATE LEVEL TRAINING

Each state that is a party to the compact shall ensure that at least one staff member who administers the compact in that state has attended national training sponsored by the Association of Juvenile Compact Administrators.

RULE 2-105: LOCAL PROVIDER TRAINING

Each state that is a party to the compact shall provide training for that state's local professional juvenile justice providers/field staff. Training shall be provided by persons who have completed national training sponsored by the Association of Juvenile Compact Administrators.

RULE 2-106: 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 2-107: STAFF ACCESSIBILITY

Each state that is a 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 2-108: 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.

RULE 2-109 INFORMATION MANAGEMENT

1. 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.
2. 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.us.

SECTION 300 FORMS

RULE 3-101: 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)
- 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)
- 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.us.

RULE 3-102: OPTIONAL FORMS

Although home evaluations, quarterly progress reports and Requisition Forms I & II are mandatory, use of the following forms is optional:

- Home Evaluation Report
- Quarterly Progress Report
- Form A (Petition for Requisition to Return a Runaway Juvenile)

RULE 3-103: 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.

<p>SECTION 400 TRANSFER OF SUPERVISION</p>
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RULE 4-101: PROCESSING REFERRALS

Each state that is a 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: 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 4-104: COOPERATIVE SUPERVISION/SERVICES REQUIREMENTS

1. Each receiving state will assume the duties of visitation and of supervision over any delinquent juvenile, including juvenile sex offenders who 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 that is a 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. The initial referral shall clearly state who will be responsible for purchasing treatment services for the juvenile sex offender.
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.
8. Juvenile restitution payments or court fines are to be paid directly from the juvenile/family to the sending court or agency. Supervising officers shall encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.

RULE 4-105: 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. A state that is a 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 4-106: 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 4-107: CLOSURE OF CASES

1. The sending state has sole authority to discharge/terminate its juveniles with the exception of when a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court in the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.
2. After the receiving state has accepted a probation or parole case for supervision, the sending state shall complete placement within 90 calendar days. If the 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 90 calendar day time frame, providing an appropriate explanation, or may resubmit the referral at a later date.

3. 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.
4. 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.
5. 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.
6. 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 4-108: 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 SUPERVISION IN RECEIVING STATE

RULE 5-101: 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. The receiving state Interstate Compact on Juveniles Administrator or designee's signature is required on or with the home evaluation form that approved or denied supervision of a juvenile by that state.
3. Supervision cannot be denied or disapproved based solely on the juvenile's age or the offense.
4. 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.

5. Supervision may be denied when the home evaluation of a non-custodial persons reveals that the proposed placement is unsuitable and 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.
6. If the receiving state requires the proposed non-custodial placement to obtain guardianship or licensure and the proposed placement refuses to comply with said requirements, then supervision may be denied.
7. 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 5-102: 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 forty-five (45) days, with a referral packet to be received by the receiving state's Interstate Compact on Juveniles office within thirty (30) days of the effective date of the Travel Permit.
2. Travel Permits and Agreements to Return shall be issued to all juveniles subject to the terms of the Interstate Compact on Juveniles for visits, vacations, and all other referrals in all cases in which the adjudicated offense(s) includes any of the following:
 - a. Sex-related offenses
 - b. Violent offenses that have resulted in personal injury or death
 - c. Offenses committed with a weapon
3. Travel Permits shall be issued for the purpose of visit/vacation only if a visit will exceed forty-eight (48) hours. Travel Permits shall contain instructions requiring the juvenile subject to the terms of the Interstate Compact on Juveniles to return to the sending state.
 - a. The maximum length of stay under these conditions shall not exceed ninety (90) days.
 - b. When a Travel Permit exceeds thirty (30) days, the sending state shall provide specific reporting instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel shall be approved by the probation officer, parole officer or court designee supervising the juvenile in the sending state. The authorized Travel Permit shall be provided through the normal Interstate Compact on Juveniles channels prior to the juvenile's movement.
5. The receiving state's Interstate Compact Office shall forward the Travel Permit to the jurisdiction of residency/visit/vacation.

RULE 5-103: SEX OFFENDER NOTIFICATION AND SUPERVISION

1. When a juvenile is under the jurisdiction of a court for a sex-related offense and an interstate referral is made, the sending state shall include a copy of the juvenile's current risk assessment and other pertinent information, if available.
2. If the sending state has statutorily-mandated progress reporting requirements for juvenile sex offenders that exceed AJCA Rule 4-104.3 [quarterly reports], the receiving state shall comply with the more stringent rule to the extent possible.

SECTION 600 RETURNS AND RENDITION OF 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 all its absconders and escapees who refuse to voluntarily return.

RULE 6-104: ARTICLE VI: VOLUNTARY RETURN PROCEDURE

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.

1. 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.
2. 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 that 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 that 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.

RULES 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

1. 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.
2. When the demanding state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for hearing as provided in Rule 6-113 (3).

RULES 6-113: CUSTODIAL 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. Within ten (10) days after the failure of a demanding state to return the juvenile, a hearing shall be provided before a neutral and independent hearing officer to hear the grounds for the juvenile's detention. The hearing officer shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of this rule. A juvenile shall be discharged from custodial detention if the holding state has failed to provide such a hearing within the time provided in this rule.
4. Subject to the provisions of 6-113 (3), Juveniles held in detention, pending receipt of a requisition, may be held for a maximum of ninety (90) days. The demanding state's compact 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.
5. 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).
4. In cases where a juvenile subject to the Interstate Compact on Juveniles is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.

RULE 6-115: AIRPORT SUPERVISION

1. States shall provide supervision and assistance to unescorted juveniles at intermediate airports, in route 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.

RULE 6-116: PROVISION OF EMERGENCY SERVICES

In the event of an emergency situation that interrupts or changes established travel plans during a return transport, the ICJ member states will, if possible, provide necessary services and assistance, including temporary detention or housing for the juvenile until the transport is rearranged and/or completed.

SECTION 700 ADOPTION AND AMENDMENT OF RULES
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RULE 7-101: ADOPTION OF RULES; AMENDMENT

Proposed new rules or amendments to the rules shall be adopted by majority vote of the members of the AJCA in the following manner.

1. Proposed new rules and amendments to existing rules shall be submitted to the AJCA office for referral to the Rules Committee in the following manner:
 - a. Any ICJ Compact Administrator may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual meeting of the AJCA. This proposal would be made in the form of a motion and would have to be approved by a majority vote of a quorum of the AJCA members present at the meeting.
 - b. Standing ICJ Committees may propose rules or rule amendments by a majority vote of that committee.
 - c. ICJ Regions may propose rules or rule amendments by a majority vote of members of that region.
2. The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Compact Administrators for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the AJCA's website upon receipt. Based on the comments made by the Compact Administrators the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the AJCA not later than the next annual meeting.
3. Prior to the AJCA voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 days prior to the meeting at which vote on the rule is scheduled, on the official web site of the AJCA and in any other official publication that may be designated by the AJCA for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

4. Each proposed rule or amendment shall state:
 - a. The place, time, and date of the scheduled public hearing;
 - b. The manner in which interested persons may submit notice to the AJCA of their intention to attend the public hearing and any written comments; and
 - c. The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
5. Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the AJCA from making a transcript or recording of the public hearing if it so chooses.
6. Nothing in this section shall be construed as requiring a separate public hearing on each rule. Rules may be grouped for the convenience of the AJCA at public hearings required by this section.
7. Following the scheduled public hearing date, the AJCA shall consider all written and oral comments received.
8. The AJCA shall, by majority vote of a quorum of the compact administrators, take final action on the proposed rule or amendment by a vote of yes/no. A rule or rule amendment may be referred back to the Rules Committee for further action either prior to or subsequent to final action on the proposed rule or amendment. The AJCA shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
9. Not later than sixty days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States District Court of the District of Columbia or in the federal district court where the AJCA's principal office is located. If the court finds that the AJCA's action is not supported by substantial evidence, as defined in the Model State Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside. In the event that a petition for judicial review of a rule is filed against the AJCA by a state, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
10. Upon determination that an emergency exists, the AJCA may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of federal or state funds;

- c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- d. Protect human health and the environment.

SECTION 800 DISPUTE RESOLUTION AND ENFORCEMENT

RULE 8-101: INFORMAL COMMUNICATION TO RESOLVE DISPUTES OR CONTROVERSIES AND OBTAIN INTERPRETATION OF THE RULES

1. Informal Communication

Through the office of a state's compact administrator states shall attempt to resolve disputes or controversies with each other by telephone, telefax, or electronic mail.

2. Failure to Resolve Dispute or Controversy

a. Following an unsuccessful attempt to resolve controversies or dispute arising under this compact, its bylaws or its rules as required under 8-101 (1), states shall pursue one or more of the informal dispute resolution processes in Rule 8-101 (2) (b) prior to resorting to formal dispute resolution.

b. Parties shall submit a written request to the President of AJCA for assistance in resolving the controversy or dispute. The President shall provide a written response to the parties within ten (10) business days and may, at the President's discretion, seek assistance of legal counsel or the Executive Board in resolving the dispute. The AJCA Board may authorize a standing or special committee or the President to assist in resolving the dispute or controversy.

3. Interpretation of the Rules

Any state may submit an informal written request to the President for assistance in interpreting the rules of this compact. The President may seek the assistance of legal counsel, the AJCA Executive Board, or both, in interpreting the rules. The executive board may authorize a standing or special committee to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the President or the AJCA Board and shall be circulated to all the states.

RULE 8-102: FORMAL RESOLUTION OF DISPUTES AND CONTROVERSIES

1. Alternative Dispute Resolution

Any controversy or dispute between or among parties that arises from or relates to this compact that is not resolved under Rule 8-101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

2. Mediation and Arbitration

a. Mediation

(1) A state that is party to a dispute may request, or the AJCA Board may require, the submission of a matter in controversy to mediation.

(2) Mediation shall be conducted by a mediation panel consisting of the President, Vice President, Secretary, and immediate Past President of the AJCA with the Vice President serving as chairperson. Any member of the AJCA Board may be appointed by the President as an alternate in the event that any of the panel members is unable or unwilling to serve on the panel. The Mediation Panel shall attempt to voluntarily resolve disputes submitted to the panel pursuant to procedures customarily used in mediation proceedings. In the event resolution is not achieved, a report of the attempted mediation shall be provided to the respective compact administrators, governors, and attorneys general of the states which are parties to the dispute within thirty (30) days following the mediation proceeding.

b. Arbitration

(1) Arbitration may be recommended by the AJCA Board in any dispute regardless of the parties' previous submission of the dispute to mediation.

(2) Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the AJCA.

(3) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.

(4) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

(5) (i) The arbitrator in all cases shall assess all costs of arbitration, including fees of the arbitrator and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(ii) The arbitrator shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the association has its principal offices.

(6) Judgment on any award may be entered in any court having jurisdiction.

1. If the AJCA determines that any state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the bylaws or any duly promulgated rules the AJCA may impose any or all of the following penalties:
 - a. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the AJCA and approved by majority vote of the members of the ICJ;
 - b. Remedial training and technical assistance as directed by the AJCA;

RULE 8-104: JUDICIAL ENFORCEMENT

The AJCA, in consultation with legal counsel, may by majority vote of the states that are members of the ICJ, initiate legal action as authorized under the Constitution and laws of the United States to enforce 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.

SECTION 900 ICJ TRANSITION RULES

Upon adoption of the Interstate Compact for Juveniles by the 35th state, the following transition rules will take effect and shall continue in full force through and including adoption of said compact by the District of Columbia and all states and territories of the United States:

1. The existing articles, rules and variances governing the operation of the Interstate Compact on Juveniles, hereinafter "the old compact" shall remain in full force and effect for at least twelve (12) months after the first meeting of the Interstate Commission created under the Interstate Compact for Juveniles, hereinafter "the new compact."
2. Upon adoption of revised or new articles, rules and variances by the Interstate Commission to be effective on or after twelve (12) months from its first meeting:
 - a. Transactions between signatory states to the new compact will be governed by the Interstate Commission's articles, rules and variances.
 - b. Transactions between non-signatory states to the new compact will be governed by the Association of Juvenile Compact Administrators' articles, rules and variances.
 - c. Transactions between signatory and non-signatory states will be governed by the articles, rules and variances of the home/demanding state.
3. States that are signatory to both the new and old compacts will resolve any conflicts regarding articles, rules and variances in favor of the Interstate Commission's articles, rules and variances within the state.
4. All duties and obligations regarding investigations, transfers, supervision, travel, and return of non-delinquent runaways, absconders, escapees and juveniles charged with delinquency shall continue until the juvenile is returned or discharged by the sending/home/demanding state.

5. All non-signatory states to the new compact will fully cooperate with the Interstate Commission and the signatory states to promote public safety by providing effective supervision of juvenile offenders.
6. Conflicts between signatory and non-signatory states shall be mediated by a representative selected by the Interstate Commission and a representative selected by the Association of Juvenile Compact Administrators from its non-signatory states.
7. The Association of Juvenile Compact Administrators will retain its rulemaking authority for non-signatory states throughout the transition period.

FORMS

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.