

YOUTH SERVICES POLICY

Title: Interstate Compact for Juveniles (ICJ) Next Annual Review Date: 04/25/2014	Type: D. Community Based Services Sub Type: 10. Supervision Number: D.10.22
	Page 1 of 13
References: La. Children's Code Arts. 1624 through 1645: ACA Standards 2-CO-4B-02 (Administration of Correctional Agencies), 2-7172 and 2-7173 (Juvenile Probation and Aftercare Services); YS Policy Nos. C.1.7 "Crime Victims Notifications" and D.10.33 "State Council for the Interstate Compact on Juveniles"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 04/25/2013

I. **AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. **PURPOSE:**

To establish the Deputy Secretary's policy for implementing the provisions of the Interstate Compact for Juveniles (ICJ).

III. **APPLICABILITY:**

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Regional Directors, Regional Managers, Commissioner/Compact Administrator, Deputy Compact Administrator, and all employees of Community-Based Services (CBS).

IV. **DEFINITIONS:**

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

Agency - Youth Services, Office of Juvenile Justice.

Commission - A body corporate and joint agency made up of compacting states that has the responsibility, power and duties set forth in the ICJ.

Commissioner - The voting representative of each compacting state appointed pursuant to Article III of the ICJ.

Community Based Services (CBS) - Formerly known as the Division of Youth Services. CBS includes all OJJ regional offices located throughout the state.

Compact Administrator – The individual in each compacting state appointed, pursuant to the terms of the ICJ, responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of the ICJ, the rules adopted by the Interstate Commission and policies adopted by the State Council under the ICJ.

Deputy Compact Administrator - The individual appointed by the Commissioner/Compact Administrator to act on behalf of the state’s Commissioner/Compact Administrator, pursuant to the terms of the ICJ, responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of the ICJ, the rules adopted by the Interstate Commission, and policies adopted by the State Council under the ICJ.

Escapee - A juvenile who has made an unauthorized flight from a secure care facility or agency's custody to which the juvenile was committed by the court.

Juvenile – A term used for a youth by the ICJ. The term “juvenile(s)” is used in this policy for that purpose and for consistency throughout the policy.

Juvenile Interstate Data System (JIDS) - A web-based system that facilitates the supervising, transferring, accepting, tracking, and returning of juveniles from one state to another.

Juvenile Electronic Tracking System (JETS) - The centralized database utilized to track all juveniles in OJJ custody or under OJJ supervision, and to track all case record activity.

PPO/J - Includes CBS probation officers (Probation and Parole Officer 1, 2 and 3/Juvenile).

Regional Director – The Deputy Assistant Secretary responsible for the oversight of all functions and operations of the Community Based Services Regional Offices and the secure care facility in their assigned Region.

Regional Managers - Managers of the CBS offices located throughout the state.

Runaway - A child under the juvenile jurisdictional age limit established by the state, who has run away from the juvenile's place of residence without the consent of parent, guardian or agency entitled to legal custody of the juvenile.

Juvenile Charged as Delinquent – A juvenile charged with violating any criminal law and leaves the state prior to being prosecuted.

V. POLICY:

Upon the recommendation of the Deputy Secretary, the Governor appoints the Compact Administrator/Commissioner who is empowered to promulgate rules and regulations to carry out more effectively the terms of the ICJ.

The return of runaways to and from Louisiana, and the transfer of supervision, shall be in accordance with the terms of the ICJ and the procedures contained in this policy.

All matters relating to the ICJ shall be processed through the Deputy Compact Administrator's office. Contacts with authorities in other states shall only be made with the approval of the Compact Administrator or the Deputy Compact Administrator. If out-of-state agencies contact CBS staff directly, they shall be referred to the ICJ in their state.

ICJ forms are located in the "Juvenile Electronic Tracking System" (JETS), the "Juvenile Interstate Data System" (JIDS), and on the "Interstate Commission for Juveniles" (ICJ) website at: <http://www.jids.juvenilecompact.org>.

VI. PROCEDURES:

A. Investigation Request

1. ICJ Form IV "Parole or Probation Investigation Request" (located in JIDS) shall be completed by the appropriate supervising officer of the home/sending state to initiate a request for a possible transfer of a juvenile on parole or probation to another compacting state.
2. The "Parole or Probation Investigation Request", along with the packet of required information noted on ICJ Form IV, shall be electronically sent to the Deputy Compact Administrator for review and processing.

3. The Deputy Compact Administrator shall electronically send the request to the appropriate compacting state.

B. Voluntary Return of Out-of-State Juveniles

1. The holding state's ICJ Office shall be advised of youth detainment. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
2. The home/demanding state's ICJ Office shall immediately initiate measures to determine youth's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of the juvenile's rights under the ICJ using ICJ Form III "ICJ Juvenile Rights", (located in JIDS) or an alternate comparable procedure. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the return, the juvenile shall sign the approved "ICJ Form III" consenting to voluntary return.
5. When consent has been duly executed, it shall be forwarded to and filed with the Compact Administrator/designee of the holding state. The holding state's ICJ Office shall in turn forward a copy of the consent to the Compact Administrator/designee of the home state.
6. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that shall ensure the safety of the public and juveniles.
7. Juveniles are to be returned to the home/demanding state in a safe manner and within five (5) business days of receiving a completed "ICJ Form III". This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

C. Non-Voluntary Return of Out-of State Juveniles

Requisitions must be entered electronically in the JIDS. The following requisition process shall apply to all juveniles in custody who refuse to voluntarily return to their home/demanding state; or juveniles whose whereabouts are known, but who are not in custody:

1. The appropriate authority in the home/demanding state shall prepare a written requisition within 60 calendar days of notification as follows:
 - a. Refusal of the juvenile to voluntarily return as prescribed in ICJ Rule 6-102; or
 - b. Request that a court takes into custody a juvenile that is allegedly located in their jurisdiction.
2. Juveniles held in detention, pending non-voluntary return to the home/demanding state, may be held for a maximum of 90 calendar days. The home/demanding state's ICJ 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.
3. When the juvenile is a non-delinquent runaway, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition as follows:
 - a. The petitioner may use ICJ Form A, "Petition for Requisition to Return Runaway Juvenile" (located in JIDS), or other petition. The petition must state the following:
 - The juvenile's name and date of birth;
 - The name of the petitioner and the basis of entitlement to the juvenile's custody;
 - The circumstances of the running away;
 - The juvenile's location if known at the time application is made; and
 - Other such facts as may tend to show that the juvenile who has run away is endangering the juvenile's welfare or the welfare of others and is not an emancipated minor.

- b. The petition shall be verified by affidavit.
 - c. The petition shall be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship or custody decrees; and
 - d. Other affidavits and other documents may be submitted with such petition.
4. The home/demanding state's appropriate authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return, and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process.
5. The judge in the home/demanding state shall determine if:
 - a. The petitioner is entitled to legal custody of the juvenile;
 - b. The juvenile ran away without consent;
 - c. The juvenile is an emancipated minor; and /or
 - d. It is in the juvenile's best interest to return to the home/demanding state.
6. When it is determined that the juvenile shall be returned, the judge in the home/demanding state shall sign ICJ Form I, "Requisition for Runaway Juvenile" (located in JIDS).
7. When the juvenile is an absconder, escapee or accused of being delinquent, the appropriate authority shall present to the appropriate court ICJ Form II, "Requisition for Escapee or Absconder or Accused Delinquent" (located in JIDS), where the juvenile is alleged to be located. The requisition shall be verified by affidavit and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
 - a. Judgment;
 - b. Order of Adjudication;
 - c. Order of Commitment;
 - d. Petition Alleging Delinquency; and/or
 - e. Other affidavits and documents may be submitted with such requisition.

8. Upon receipt of the requisition, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office shall submit the requisition packet electronically through JIDS. The holding state may request and shall be entitled to receive originals or duly certified copies of any legal documents.
9. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition.
10. A hearing in the state where the juvenile is located shall occur within 30 calendar days of receipt of the requisition. This time period may be extended with the approval of both ICJ Offices. The court in the holding state shall inform the juvenile of the demand made for the juvenile's return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the requisition is in order, at which time one of the following shall occur:
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
11. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office, which shall forward same to the home/demanding state's ICJ Office.
12. Requisitioned juveniles shall be accompanied in their return to the home/demanding state, unless both ICJ Offices determine otherwise. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
13. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this ICJ, without interference.

D. Return of Juveniles/ICJ Placement Failed

1. If it is determined necessary to return a juvenile whose placement has failed to the sending/demanding state and the ICJ Form IA/VI "Application for Services and Waiver" (combined forms located in JIDS) has the appropriate signatures, no further court procedures will be required for the juvenile's return.

NOTE: Form IA of the ICJ Form IA/VI is the "Application for Compact Services" and Form VI is the "Memorandum of Understanding and Waiver".

2. Upon notifying the sending/demanding state's ICJ Office, a duly accredited officer of a sending/demanding state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
3. Upon notice of a juvenile's failed placement for purposes of the juvenile's return, the sending/demanding state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) working days. This time period may be extended with the approval of both ICJ offices.
4. The decision of the sending/demanding state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. However, in cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned to the sending/demanding state without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision.
5. The officer of the sending/demanding state shall be permitted to transport delinquent juveniles being returned through any and all states party to the ICJ, without interference.

E. Warrants

1. All warrants under ICJ jurisdiction shall be entered into the "National Crime Information Center" (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state.

Holding states shall honor all lawful warrants as entered by other states, and within the next business day notify the ICJ Office in the home/demanding state that the juvenile has been placed in custody pursuant to the warrant.

Within two (2) business days of notification, the home state shall inform the holding state as to whether the home/demanding state intends to have the juvenile returned.

2. When the home/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 a hearing.

F. Transportation/Airport Supervision

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home state and maintaining security of juveniles until departure.
2. Home/demanding states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans shall be made with consideration of normal business hours, and any exceptions shall be approved by the holding state.
3. Holding states shall not return to juveniles any personal belongings which could jeopardize the health, safety or security of the juvenile or others. Examples are as follows:
 - a. Weapon;
 - b. Cigarettes;
 - c. Medication;
 - d. Lighters;
 - e. Change of clothes; or
 - f. Cell phone.
4. Holding states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved COD carrier or at the expense of the home/demanding state (e.g., United States Postal Service, United Parcel Service, or Federal Express).

5. In cases where a juvenile is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork, or appropriate due process documentation in the juvenile's possession before entering the airport.
6. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports in route to the home state.
7. Juveniles shall be supervised from arrival until departure.
8. Home states shall give the states providing airport supervision a minimum of 48 hours advance notice.
9. In the event of an emergency situation, including but not limited to weather, delayed flight or missed flight that interrupts or changes established travel plans during a return transport, ICJ member states shall provide necessary services and assistance, including temporary detention or appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed

G. Travel Permits

1. An ICJ "Travel Permit" shall be issued for any appropriate purpose, including but not limited to testing a proposed placement. The permit shall not exceed 90 calendar days, with a referral packet to be received by the receiving state's ICJ Office within 30 calendar days of the effective date of the "Travel Permit".
2. "Travel Permits" shall be issued for visits that exceed 48 hours. "Travel Permits" shall contain instructions requiring the juvenile, who is subject to the terms of the ICJ, to return to the sending/demanding state.
 - a. The maximum length of stay under these conditions shall not exceed 90 calendar days.
 - b. When a "Travel Permit" exceeds 30 calendar days, the sending/demanding state shall provide specific reporting instructions for the juvenile to maintain contact with the supervising agency.

3. Regardless of the length of stay, "Travel Permits" shall be issued to all juveniles subject to the terms of the ICJ for all visits in 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; or
 - d. Juveniles committed to state custody.
4. Authorization for out-of-state travel shall be approved by the supervising person in the sending/demanding state. The authorized "Travel Permit" shall be provided and received prior to the juvenile's movement or upon notification to the sending/demanding state's ICJ Office.
5. The receiving state's ICJ Office shall forward the "Travel Permit", as necessary, to the jurisdiction of the visit.
6. If a "Travel Permit" is being issued, the sending/demanding state's supervising officer of CBS is responsible for victim notification in accordance with the laws and policies of that state. The sending/demanding and receiving states will collaborate to ensure that the legal requirements of victim notification are met, and that the necessary information is exchanged to meet the sending/demanding state's obligation.

NOTE: Victim notification shall be coordinated between the Deputy Compact Administrator, the Family Liaison, and the appropriate supervising officer of CBS.

H. Release of Runaways to Parent or Legal Guardian

1. All remedies and procedures provided by the ICJ shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a runaway to their parent/legal guardian within the first 24 hours (excluding weekends and holidays) of detainment without applying ICJ Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.

2. Runaways who are endangering themselves or others held beyond 24 hours shall be held in secure care facilities until returned by the home/demanding state.
3. When a holding state has reason to suspect abuse or neglect by a parent/legal guardian or others in the home of a runaway juvenile, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect.
4. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of jurisdiction in the home/demanding state to accomplish the safe return of the juvenile.
5. The following applies to voluntary return of runaways who allege abuse or neglect:
 - The ICJ Form III (located in JIDS) shall indicate who will be assuming responsibility for the juvenile if the juvenile will not be returning to a parent/legal guardian.
6. The following applies to non-voluntary return of runaways who allege abuse or neglect:
 - If the appropriate authorities in the home/demanding state determine that the juvenile will not be returning to a parent or legal guardian, the requisition process shall be initiated by the home/demanding state's appropriate authority and/or court of jurisdiction in accordance with ICJ Rule 6-103.

VII. State Council:

Each member state shall create a "State Council for Interstate Juvenile Supervision" pursuant to see YS Policy No. D.10.33. While each state may determine the membership of its own state's council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, the Compact Administrator, and/or the Deputy Compact Administrator/designee.

YS Policy No. D.10.22
Page 13

Each compacting state shall retain the right to determine the qualifications of the Compact Administrator and/or Deputy Compact Administrator. Each state council shall advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission's activities and other duties as may be determined by that state, including but not limited to the development of policy concerning operations and procedures of the ICJ within the state.

Previous Regulation/Policy Number: D.10.22
Previous Effective Date: 11/10/11
Attachments/References: