

# *Interstate Compact for Juveniles (ICJ) and Interstate Compact on the Placement of Children(ICPC)*

*Presented by:*

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# ICJ and ICPC

Working Together to serve  
youth and communities.



**How do ICJ and ICPC work together  
to serve youth and communities?**

**This training will look at current  
rules and practices regarding how  
ICJ and ICPC work together in  
moving children across state lines.**



# Goals and Objectives:

- ∞ Distinguish the difference between ICJ and ICPC.
- ∞ Provide examples, tools and resources to collaborate with other juvenile justice, child welfare professionals and courts when moving children across state lines.
- ∞ Identify case scenarios in which either ICPC, ICJ or both compacts apply.
- ∞ Know when these compacts apply to your organization/agency and the youth that you serve.



# What is a Compact?

## Compact

- ∞ A compact is an agreement or contract between persons, nations, or states, esp. between governments or states.

## Contract and Statutory Law

- ∞ Contract – an agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law.
- ∞ Statute - A law passed by a legislative body.



# TN Statutes:

ICJ- TCA 37-4-100's

ICPC- TCA 37-4-200's




# Who Administers the ICJ and the ICPC?



ICJ – Interstate Commission for  
Juveniles

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ICPC – Association of  
Administrators of the Interstate  
Compact on the Placement of  
Children



# Interstate Commission for Juveniles

Serving Juveniles While Protecting Communities

## Overview



# ICJ Compact History

- ⌘ Revised Compact enacted in 2008
- ⌘ Ensures effective monitoring of juvenile offenders moving across state lines
- ⌘ Provides for the welfare and protection of juveniles and the public
- ⌘ Serves as the only **legal** process for returning runaways

# Advantages of the New ICJ Compact



Improved mechanism that provides enhanced:

- ⌘ Accountability
- ⌘ Enforcement
- ⌘ Visibility
- ⌘ Communication
- ⌘ Resolves discrepancies between state laws

# Authority of the Compact

Crime Control Act, 4 U.S.C. Section 112 (1965)



Cooperative efforts  
and mutual  
assistance

All courts and  
executive agencies  
subject to the ICJ



Contradictions to ICJ  
Rules are invalid to  
the extend of the  
conflict



# Who is served by the ICJ?

A juvenile who:

Is on probation or parole and plans to move out of state

Is an accused delinquent who runs away to another state

Escapes from an institution to another state


Absconds from probation/parole to another state

Is a non-delinquent who runs away to another state

Requires institutional care and specialized services in another state

# Communication Between States

- ⌘ ALL communication occurs at the ICJ Office level
- ⌘ All forms of communication shall observe privacy laws (i.e. Family Educational Rights and Privacy Act [FERPA])

	<b>Interstate Commission for Juveniles</b>	<b>Opinion Number:</b> 01-2011	<b>Page Number:</b> 1
	<b>ICJ Advisory Opinion</b> Issued by: Executive Director: Ashley H. Lippert Chief Legal Counsel: Richard L. Masters		
<b>Description:</b> Health Insurance Portability and Accountability Act of 1996 (HIPAA) Exemptions for the Interstate Commission for Juveniles		<b>Dated:</b> Feb. 10, 2011	

**Background:**

Pursuant to Commission Rule 8-101.3, a request has been made by the state of North Dakota to address the following issues:

# Transfer of Supervision

## Three components of supervision:

Oversight exercised over a juvenile determined by a court or appropriate authority for a period of time

Requires a juvenile to report to or be monitored by appropriate authorities

Regulations and conditions are imposed on the juvenile

*\*Supervision solely for monetary conditions is not applicable under the ICJ.*



# Eligibility Criteria for Juveniles (ICJ)

## Persons eligible for Transfer of Supervision

- ✓ A person classified as a 'juvenile' by the sending state and who is under the jurisdiction of a court or appropriate authority
- ✓ Adjudicated delinquents
- ✓ Adjudicated status offenders
- ✓ Juveniles with deferred adjudication
- ✓ Must relocate for 90 consecutive days in receiving state
- ✓ Have 90 days or more of supervision remaining
- ✓ Must meet residential criteria



# Residential Criteria for Transfers

## Resides with:

- ⌘ Legal Guardian
- ⌘ Relative
- ⌘ Non-relative
- ⌘ Independently

*\*Excluding residential facilities*

## Is a full-time student at:

- ⌘ Accredited secondary school
- ⌘ Accredited university
- ⌘ College
- ⌘ Licensed specialized training program

*\*Must provide proof of acceptance and enrollment*

**See Rule 4-101(2)**



# Sending Referrals

## Parole

- Submit referral documents *45 days prior to anticipated arrival*
- The sending state **shall maintain responsibility** until supervision is accepted by, and the juvenile has arrived in, the receiving state

### Items included in referral packet:

- ✓ Form IV
- ✓ Form IA/VI\*
- ✓ Order of Commitment
- ✓ Court Order
- ✓ Petition/ Arrest Reports
- ✓ Legal & Social History
- ✓ Parole Conditions (upon release from facility)

## Probation

The sending state **shall maintain responsibility** until supervision is accepted by, and the juvenile has arrived in, the receiving state.

### Items included in referral packet :

- ✓ Form IV
- ✓ Form IA/VI\*
- ✓ Order of Adjudication and Disposition
- ✓ Conditions of Probation
- ✓ Petition/ Arrest Reports

**See Rule 4-102**

# Transferring Juvenile Sex Offenders

May not travel into receiving state unless:

- Request for transfer approved
- Receiving state issues reporting instructions
- Transfer request qualifies for expedited transfer status

Items included in referral packet:

- ✓ Parole/probation documents
- ✓ Risk assessment
- ✓ Safety plan specific assessments (if available)
- ✓ Legal/social history
- ✓ Victim information
- ✓ Treatment plan
- ✓ Petition/arrest reports

*See Rule 4-103*

# Home Evaluations - Overview

Within **45** calendar days of receipt, the receiving state's ICJ Office forwards the completed **Form VIII** to the sending state's ICJ Compact Office

- Signed by appropriate authority
- Receiving state may deny supervision if it is unsuitable
- If necessary, explanation of delay required



# Runaways

## Rule 1-101 Definitions Runaways:

persons within the juvenile jurisdictional age limit established by the home state who have (1) voluntarily left their residence without permission of their legal guardian or custodial agency or (2) **refuse to return to their residence as directed by their legal guardian or custodial agency (effective 3/20)**, but who may or may not have been adjudicated.

- ⌘ Age of Majority
- ⌘ Returning Runaways



# Release of Non-Delinquent Runaways

- Authorities may release non-delinquent runaways to their legal guardian or custodial agency within the first **24** hours of detainment
- If a non-delinquent runaway remains in custody beyond **24** hours, the holding state shall contact its ICJ Office

# Holding Runaways in Secure Facilities

- ⌘ If “a danger to themselves or others, “runaways SHALL be held in secure facilities.
- ⌘ Otherwise, Holding State has discretion to hold runaways at location it deems appropriate.



## OJJDP Exclusion *Update*

Juveniles held pursuant to the ICJ are **excluded** from the deinstitutionalization of status offenders requirements. In 2018, the Juvenile Justice and Delinquency Prevention Act (JJDP A) was reauthorized and updated for the first time in 16 years. The Act itself is the JJDP A and should continue to be referred to as such. The legislation that amended it was the Juvenile Justice Reform Act of 2018. The ICJ Exception Reference Code is: 34 U.S.C. § 11133(a)(1)(A)(i)

# Voluntary Return of Juveniles

The holding state's ICJ Office notifies the home/demanding state's ICJ Office of the case

The home/demanding state's ICJ Office determines residency and jurisdictional facts

At a hearing (physical or electronic), the judge informs the juvenile of his/her due process rights



# Voluntary Return of Juveniles, cont.

If the juvenile agrees to return, the juvenile signs Form III in the presence (physical or electronic) of a judge

The home/demanding state may accept an adult waiver instead of the ICJ Form III

Authorities forward Form III to the holding state's ICJ Office

The holding state forwards a copy of the Form III to the home/demanding state's ICJ Office

Within 5 business days\* of receiving the signed Form III or adult waiver, the home/demanding state returns the juvenile.





# Non-Voluntary Returns

- **Rules 6-103 and 6-103A** divide non-voluntary returns into two distinct processes:

## Rule 6-103

**Family / Dependency  
Court**

Returning  
runaways and/or  
accused status  
offenders

## 6-103A

**Delinquency Court  
Charging Agency**

Returning escapees,  
absconders, or  
accused delinquents



# Non-Voluntary Returns: Requisitions

- Requisitions apply to all juveniles in custody who refuse to voluntarily return to their home/demanding state or to request a juvenile whose whereabouts are known but not in custody be picked up and detained pending return




 **INTERSTATE COMPACT FOR JUVENILES** **FORM I**  
**REQUISITION FOR RUNAWAY JUVENILE**

*Family/Dependency Court*

TO: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Court of Jurisdiction in Holding State)

FROM: \_\_\_\_\_  
(Requisitioning Court or Agency in Home/Demanding State)

 **INTERSTATE COMPACT FOR JUVENILES** **FORM II**

REQUISITION FOR ESCAPEE OR ABSCONDER  
 REQUISITION FOR ACCUSED DELINQUENT

*Delinquency Court  
Charging Agency*

TO: \_\_\_\_\_  
(Court of Jurisdiction)

FROM: \_\_\_\_\_  
(Name of Court or Agency)

I, \_\_\_\_\_ requisition the return of \_\_\_\_\_

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

- The legal guardian or custodial agency shall petition the court of jurisdiction in the home/demanding state for a requisition; when the juvenile is already in custody, this shall be done within 60 calendar days of notification
  - Form A (optional)
  - **Petition for Requisition to Return a Runaway Juvenile**



*See Rule 6-103*

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

- The judge in the **home/demanding** state determines if:
  - ✓ The petitioner is entitled to legal custody
  - ✓ The juvenile ran away without consent
  - ✓ Whether the juvenile is an emancipated minor
  - ✓ Determination of whether it is in the best interest of the juvenile to return is a home state concern, not a holding state concern.
- **Form I: Requisition for Runaway Juvenile**



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

The ICJ Office in the state where the juvenile is located forwards Form I to appropriate court to request a hearing be held within 30 calendar days of the receipt of requisition



The court in the holding state informs the juvenile of demand for return and he/she may elect to appoint counsel or a guardian ad litem



Orders concerning requisitions shall be forwarded immediately from the holding court to the holding state's ICJ Office who then forwards it to the home/demanding state



Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. The time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.



See Rule 6-103

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

- Other things to consider:
  - ✓ Juveniles may be held for a maximum of 90 calendar days
  - ✓ If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process, the home/demanding state's appropriate authority shall initiate the process on behalf of the juvenile



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

- Probation/parole escapees, absconders or accused delinquents who are in custody on a warrant shall be detained in secure facilities until returned by the demanding state
- The home/demanding state presents the court or appropriate authority the **Form II: Requisition for Escapee, Absconder, or Accused Delinquent**
  - This shall be done within 60 days of notification of juvenile's refusal to return voluntarily



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

- The requisition shall be verified by affidavit, unless a judge is the requisitioner, and shall be accompanied by supporting documents:
  - ✓ Judgement
  - ✓ Order of Adjudication
  - ✓ Order of Commitment
  - ✓ Petition Alleging Delinquency
  - ✓ Other affidavits and documents
- Judge or appropriate authority signs **Form II: Requisition for Escapee, Absconder, or Accused Delinquent**





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

The ICJ Office where the juvenile is located forwards requisition to court and requests hearing to be held within 30 calendar days



The court in the holding state informs the juvenile of the demand made for his/her return and may elect to appoint counsel or guardian ad litem



Orders concerning requisitions shall be forwarded immediately from the holding court to the holding state's ICJ Office who then forwards it to the home/demanding state



Juveniles shall be accompanied on their return to the demanding state within 5 business days of the receipt of the order granting the requisition. The time frame may be extended an additional 5 business days with approval from both ICJ office.



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

- Other things to consider:
  - ✓ Juveniles may be held for a maximum of 90 calendar days
  - ✓ Juveniles shall be accompanied on their return to the demanding state unless both ICJ Offices determine otherwise



See Rule 6-103A

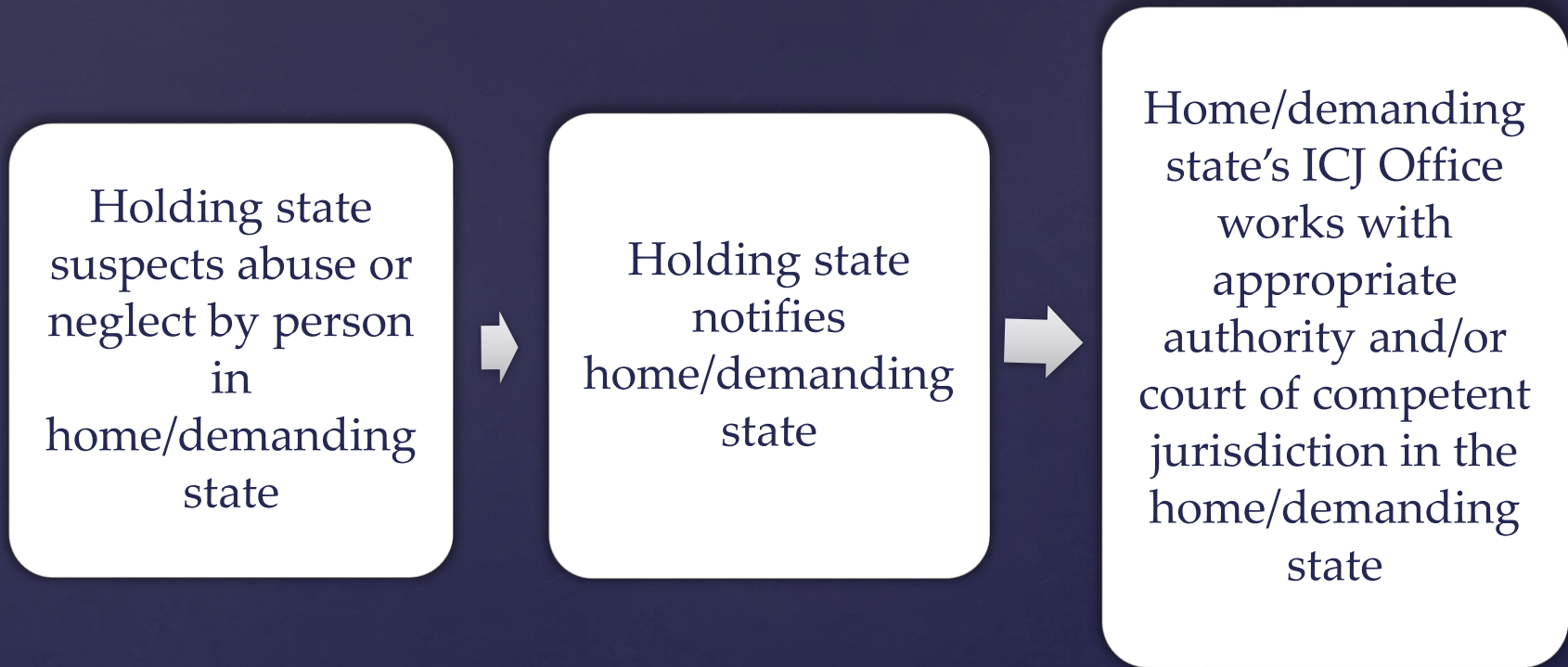
# Returns: ICPC Recognition

- ICJ recognizes the authority of the AAICPC under Article V of the Interstate Compact for the Placement of Children and supports their authority to return ICPC youth who have run away from their out-of-state placement resulting in a demand for their return by the sending state.



- In the event a juvenile is held in a secure facility beyond twenty-four (24) hours (excluding weekends and holidays), the appropriate provisions of the ICJ Rules shall apply.

# Returns: Abuse and Neglect



\* Allegations of abuse or neglect **do not** alleviate a state's responsibility to return a juvenile within the appropriate time frames



# Return Requirements - Financial

## Home/Demanding/Sending State

- Establish authority of accredited officers
- Issue warrant if necessary
- Ensure no pending charges in receiving state
- Return juvenile within 5 business days \***extension of 5 business days with the approval of both states**
- Make transportation plans
- Be responsible for cost of transportation

## Holding/Receiving State

- No bond or bail release for juveniles held on warrants
- Return juvenile within 5 business days \***extension of 5 business days** with the approval of both states
- Shall not be reimbursed for detaining or transporting juveniles.



# Return Requirements – Pending Charges

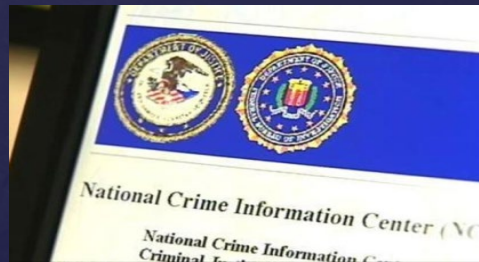
## 7-103 Charges Pending in Holding/Receiving State

Juveniles shall be returned only after charges are resolved when pending charges exist in the holding/receiving state, unless consent is given by the holding/receiving and demanding/sending states' courts and ICJ Offices.



# Return Requirements - Warrants

- All warrants issued for juveniles **subject to the Compact** shall be entered into the NCIC with a nationwide pickup radius with no bond amount set.
- Holding states shall honor all lawful warrants entered by other states; and **shall no later than** the next business day, notify the ICJ the home/demanding/sending state that the juvenile has been placed in custody pursuant to the warrant. Upon notification, the home/demanding/sending state shall issue a detainer or provide a copy of the warrant to the holding state.
- Within two (2) business days of notification, the home/demanding/sending state shall inform the holding state whether they intend to **withdraw the warrant**. **Withdrawal of the warrant does not negate the home/demanding/sending state's responsibility to return the juvenile under other applicable rules.**



# Returning Juveniles: Transportation

- The holding/receiving state shall not return to juveniles any personal belongings which could jeopardize the health, safety or security of the juvenile or others\*\*
- The holding/receiving state ensures the juvenile has a picture I.D. and copies of applicable ICJ paperwork, appropriate due process documentation
- The holding/receiving state shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved carrier, COD or at the expense of the home/demanding state





# Returning Juveniles via Ground & Air

- The home/demanding/sending state shall not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult
- 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 Compact, without interference.

## Airport Supervision

- All states provide supervision to unescorted juveniles at intermediate airports
- Juveniles shall be supervised from arrival to departure
- Home/demanding/sending states shall provide 48 hours advance notice to the state providing airport supervision



# Liability

- Webster defines liable as “Held legally responsible...”
- All Compact member states can be held liable for circumventing or violating the ICJ Rules
- There is a legal obligation to follow and enforce the ICJ Rules as written

# Types of Public Acts

Discretionary Acts	Ministerial Acts
<ul style="list-style-type: none"><li>• The public employee has the freedom to exercise good judgment and care in carrying out an act</li></ul>	<ul style="list-style-type: none"><li>• The public employee is required by law to fulfill</li></ul>




# Commission Website: www.juvenilecompact.org

Secure | https://www.juvenilecompact.org


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Interstate Commission  
for Juveniles  
Serving Juveniles While Protecting Communities

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# TN ICJ Office - DCS

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Quincy Hughes

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901-201-1835 (cell)

**TN Interstate Commission for Juveniles**

***ICJ@tn.gov***

**315 Deaderick St. – UBS Tower, 9<sup>th</sup> Floor**

**Nashville, TN 37243**

**615-741-9856**

**615-741-2559 (fax)**

# Best Practice between ICJ & ICPC

On May 21, 2012, the ICJ and the AAICPC entered into a Memorandum of Understanding (MOU). The MOU outlines the collaboration between ICJ and ICPC and the roles and responsibilities of each Compact.

- ❖ Communication
- ❖ Collaboration
- ❖ Education
- ❖ Training
- ❖ Guides





Association of Administrators of the Interstate Compact on the Placement of Children



# The Interstate Compact on the Placement of Children (ICPC)

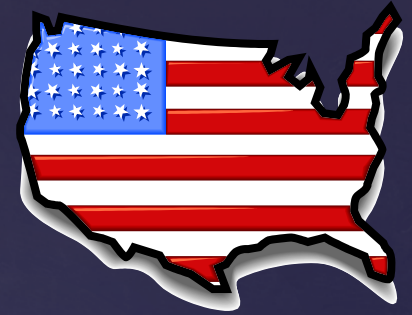
## Overview

# What will be covered:

- & What is the ICPC
- & Purposes of the ICPC
- & Application of the ICPC
- & What ICPC Provides
- & ICPC Process



# What is the ICPC?



- ⌘ Drafted in the late 1950s and enacted by the first state in 1960 (New York)
- ⌘ Formal agreement between the states (contract)
- ⌘ Statutory law in all 50 states, the District of Columbia, and the U.S. Virgin Islands



# Purposes of the ICPC

ICPC helps to ensure safety and protection, as well as provision of services and supervision to children placed across state lines for foster care or preliminary to an adoption.

# Types of placements covered:

- ⌘ Placements preliminary to adoption-independent, private or public
- ⌘ Placements into licensed or approved foster homes (placement with related or unrelated caregivers)
- ⌘ Placements with parents and relatives when a parent or relative is not making the placement
- ⌘ Placements into group homes/residential settings of all children, including adjudicated delinquents in institutions in other states

# What ICPC Provides:

- ⌘ The sending agency the opportunity to obtain home studies and an evaluation of the proposed placement.
- ⌘ The receiving state an opportunity to ensure that the placement is not “contrary to the interests” of the child.
- ⌘ The applicable laws and policies of the receiving state have been followed.
- ⌘ The sending agency’s state court does not lose jurisdiction over the child once the child moves to the receiving state.
- ⌘ The sending agency will be able to obtain supervision and regular reports on the child’s placement from the receiving state.

# ICPC Regulations

- ⌘ Regulation 1- Relocation of Intact Family Units
- ⌘ Regulation 2- Placement into Family Settings and/or with Parents, Relatives
- ⌘ Regulation 3-Definitions of Placement Categories
- ⌘ Regulation 4- Residential Placement
- ⌘ Regulation 7- Expedited Placement Decision
- ⌘ Regulation 9- Definition of a Visit



# Regulation 3- CJO

- ⌘ Sending court has open abuse, neglect or dependency cast that establishes court jurisdiction with authority to supervise, remove and/or place child
- ⌘ Court becomes sending agency
- ⌘ Legal responsibilities per ICPC Article V

# ICPC Article V

**Article V requires the “sending agent” or sending state to retain jurisdiction over the child once placed until the child is adopted, or is discharged with concurrence of the appropriate authority in the receiving state.**

# ICPC Article VIII

## Limitations:

- ⌘ The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother/sister, adult uncle/aunt, or guardian and leaving child with any such relative or non-agency guardian.
- ⌘ Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both states are parties

# ICPC Referral Types

The following study types may be requested:

Parent

Relative

Foster

Adoptive

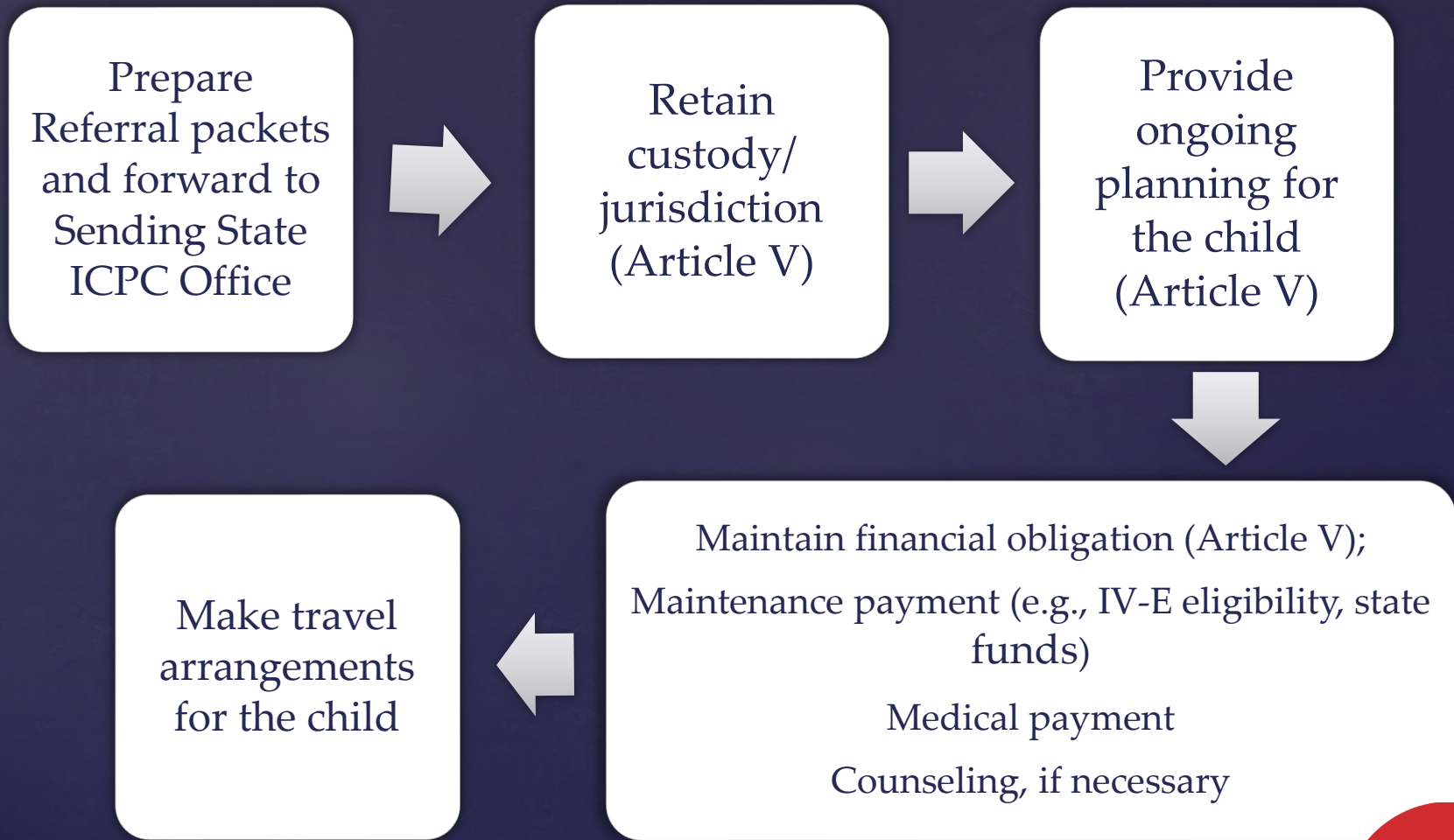
\*Regulation 7 may only be utilized to request Parent or Relative studies.





# The ICPC Process:

## Responsibilities of the Local Sending Agency



# The ICPC Process:

⌘ The completed ICPC referral packet should be submitted to the Sending Agent's ICPC State office and approved **PRIOR** to placement.

⌘ ICPC referrals can be scanned to the shared email folder  
at

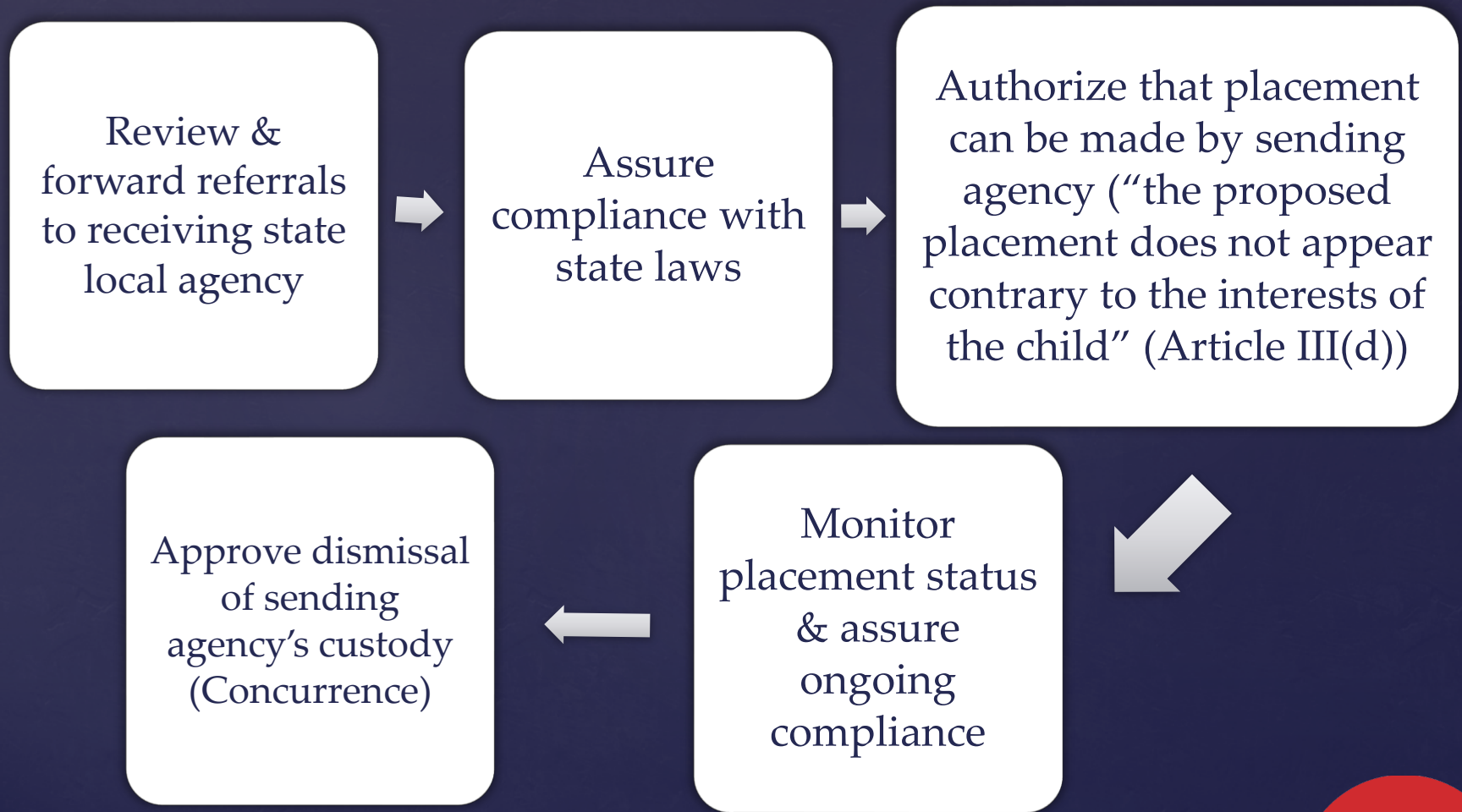
[TNICPC.EI-DCS@tn.gov](mailto:TNICPC.EI-DCS@tn.gov)

A red circular logo with the text "AAICPC" in white, serif font.

AAICPC

# The ICPC Process:

## Responsibilities of the Receiving State ICPC



# Placement Decision



- ⌘ Placement of the child/ren does not occur until the Receiving State ICPC Administrator has issued a POSITIVE decision in writing.
- ⌘ If the decision of the Receiving State is not positive and denied, the “sending agent” must consider alternate placement resources.
- ⌘ The “sending agent” must submit form 100B to indicate placement decision.

# ICPC Closure



- ⌘ The receiving state must provide Concurrence in writing of their agreement to the transfer of custody prior to custody being granted.
- ⌘ In order to close an ICPC referral/case, the “sending agent” must send a closure 100B to TN ICPC.
- ⌘ If custody/adoption is granted, a copy of the terminating court order must accompany the closure 100B.



Association of Administrators of the Interstate Compact on the Placement of Children



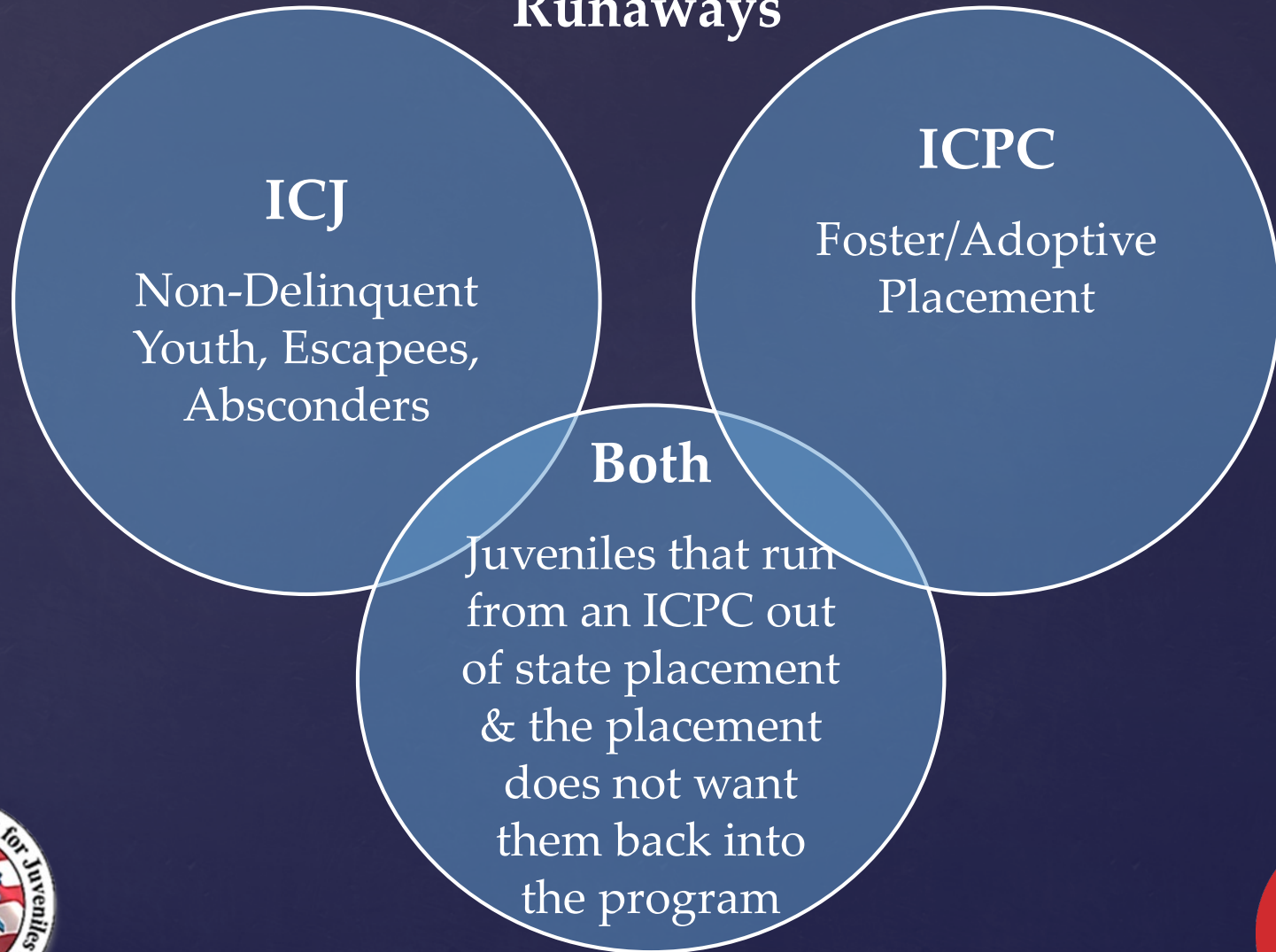
## ICPC and AAICPC Resources available:

↳ <https://aphsa.org/AAICPC/default.aspx>

↳ AAICPC  
c/o APHSA  
1133 19<sup>th</sup> St. N.W. – Suite 400  
Washington, DC 20036  
(202) 682-0100

# ICPC/ICJ Crossover Youth

## Runaways



**ICJ**

Non-Delinquent  
Youth, Escapees,  
Absconders

**ICPC**

Foster/Adoptive  
Placement

**Both**

Juveniles that run  
from an ICPC out  
of state placement  
& the placement  
does not want  
them back into  
the program



**AICPC**

# Cases That May Involve Both Compacts

Runaways

Residential Placements

Family Settings





**For more information contact:**

**ICJ National Office**

**[www.juvenile.compact.org](http://www.juvenile.compact.org)**

**Corrie Copeland, MS**

**ICJ DCA - TN Dept. Children's Services**

**Office of Juvenile Justice**

**[Correnthia.Copeland@tn.gov](mailto:Correnthia.Copeland@tn.gov)**



**For more information contact:**

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