



## ICJ RULES

INTERSTATE COMMISSION FOR JUVENILES  
*Serving Juveniles While Protecting Communities*

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## **Section 100 Definitions**

### ***RULE 1-101: Definitions***

As used in these rules, unless the context clearly requires a different construction:

Absconder: a juvenile probationer or parolee who hides, conceals, or absents him/herself so that he/she is unavailable for the legal process or authorized control.

Accused Delinquent: a person charged with an offense that, if committed by an adult, would be a criminal offense.

Accused Status Offender: a person charged with an offense that would not be a criminal offense if committed by an adult.

Adjudicated: a judicial finding that a juvenile is a status offender or delinquent.

Adjudicated Delinquent: a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

Adjudicated Status Offender: a person found to have committed an offense that would not be a criminal offense if committed by an adult.

Affidavit: 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.

Appropriate Authority: the legally designated person, agency, court or other entity with the power to act, determine, or direct.

By-laws: those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

Commission: a body corporate and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the ICJ.

Commissioner: the voting representative of each compacting state appointed pursuant to Article III of this Compact.

Commitment: an order by a court ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.

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

Compacting State: any state which has enacted the enabling legislation for this Compact.

Counsel (Legal): 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: any person or institution with the constitutional or statutory authority to adjudicate legal disputes and having jurisdiction over delinquent, neglected, or dependent children.

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

Custodial Agency: the agency which has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

Defaulting State: any state that fails to perform any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules.

Deferred Adjudication: a decision made by a court that withholds or defers formal judgment and stipulates terms and/or conditions of supervision.

Demanding State: the state seeking the return of a juvenile with or without delinquency charges.

Deputy Compact Administrator: the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

Designee: a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this Compact, authorized by-laws, and rules.

Escapee: a juvenile who has made an unauthorized flight from in custody status or a facility to which he/she has been committed by a lawful authority.

Executive Director: the Commission's principal administrator (as defined in the Compact).

Hearing: any proceeding before a judge or other appropriate authority in which issues of fact or 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.

Holding State: the state where the juvenile is located.

Home Evaluation: an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the juvenile and the community.

Home State: the state where the legal guardian or custodial agency is located.

Interstate Commission: the Interstate Commission for Juveniles created by Article III of this Compact.

Interstate Compact for Juveniles (ICJ): 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 that have enacted legislation in substantially the same language. The

agreement does not include or provide for the transfer of court jurisdiction from one state to another.

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

Juvenile: any person defined as a juvenile in any member state or by the rules of the Interstate Commission.

Juvenile Sex Offender: a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.

Legal Guardian: a parent or other person who is legally responsible for the care and management of the juvenile.

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

Non-Offender: a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

Notice: advanced notification given to a party, either written or verbal, in regards to the future of an ICJ case.

Petition: a written request to the court or other appropriate authority for an order requiring that action be taken or a decision made regarding a juvenile stating the circumstances upon which it is founded.

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

Probation/Parole: any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

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

Proof of Entitlement: documentation or other evidence submitted as part of a requisition that enables a court to verify the authority of the requisitioner to the return of a juvenile.

Receiving State: a state to which a juvenile is sent for supervision under provision of the ICJ.

Relocate: when a juvenile remains in another state for more than ninety (90) consecutive days in any twelve (12) month period.

Requisition: a written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee, or accused delinquent.

Residential Facility: a staffed program that provides custodial care and supervision to juveniles.

Retaking: the act of a sending state physically removing a juvenile, or causing to have a juvenile removed, from a receiving state.

Rule: a written statement by the Interstate Commission promulgated pursuant to Article VI of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

Runaways: persons within the juvenile jurisdictional age limit established by the home state who (1) have 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, but who may or may not have been adjudicated.

Sanction: requirement, including but not limited to detention time, imposed upon a juvenile for non-compliance with terms of supervision.

Secure Facility: a facility 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: a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

State: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

State Committed (Parole): any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

Substantial Compliance: sufficient compliance by a juvenile with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state.

Supervision: the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile is required to report to or be monitored by appropriate authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the juvenile.

Termination: the discharge from ICJ supervision of a juvenile probationer or parolee by the appropriate authority.

Travel Permit: written permission granted to a juvenile authorizing travel from one state to another.

Voluntary Return: the return of a juvenile runaway, escapee, absconder, or accused delinquent who has consented to voluntarily return to the home/demanding state.

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

*History: Adopted December 2, 2009, effective March 1, 2010; “Deferred Adjudication” adopted September 15, 2010, effective January 1, 2011; “Probation/Parole” amended September 15, 2010, effective January 1, 2011; “Relocate” adopted September 15, 2010, effective January 1, 2011; “Retaking” adopted September 15, 2010, effective January 1, 2011; “Substantial Compliance” adopted September 15, 2010, effective January 1, 2011; “Adjudicated” amended October 26, 2011, effective March 1, 2012; “Appropriate Authority” adopted October 26, 2011, effective March 1, 2012; “Commitment” amended October 26, 2011, effective March 1, 2012; “Cooperative Supervision” amended October 26, 2011, effective March 1, 2012; “Detainer” amended October 26, 2011, effective March 1, 2012; “Hearing” amended October 26, 2011, effective March 1, 2012; “Holding State” amended October 26, 2011, effective March 1, 2012; “Juvenile Sex Offender” amended October 26, 2011, effective March 1, 2012; “Petition” amended October 26, 2011, effective March 1, 2012; “Requisition” amended October 26, 2011, effective March 1, 2012; “Residence” amended October 26, 2011, effective March 1, 2012; “Status Offense” amended October 26, 2011, effective March 1, 2012; “Termination” amended October 26, 2011, effective March 1, 2012; “Voluntary Return” amended October 26, 2011, effective March 1, 2012; “Substantial Compliance” amended October 17, 2012, effective April 1, 2013; “Adjudicated Status Offender” amended October 9, 2013, effective April 1, 2014; “Aftercare(temporary community placement)” rescinded October 9, 2013, effective April 1, 2014; “Custody” rescinded October 9, 2013, effective April 1, 2014; “Home Evaluation/Investigation” amended October 9, 2013, effective April 1, 2014; “Juvenile Sex Offender” amended October 9, 2013, effective April 1, 2014; “Residential Facility” adopted October 9, 2013, effective April 1, 2014; “Sanction” adopted October 9, 2013, effective April 1, 2014; “Sanction” amended October 29, 2014, effective January 1, 2015; “Demanding State” amended August 26, 2015, effective February 1, 2016; “Detainer” rescinded August 26, 2015, effective February 1, 2016; “Detention Order” rescinded August 26, 2015, effective February 1, 2016; “Emancipation” rescinded August 26, 2015, effective February 1, 2016; “Escapee” amended August 26, 2015, effective February 1, 2016; “Good Faith Effort” rescinded August 26, 2015, effective February 1, 2016; “Guardian ad litem” rescinded August 26, 2015, effective February 1, 2016; “Holding State” amended August 26, 2015, effective February 1, 2016; “Home Evaluation/Investigation” amended August 26, 2015, effective February 1, 2016; “Home State” amended August 26, 2015, effective February 1, 2016; “Interstate Compact for Juveniles (ICJ)” amended August 26, 2015, effective February 1, 2016; “Juvenile” amended August 26, 2015, effective February 1, 2016; “Legal Custodian” amended August 26, 2015, effective February 1, 2016; “Legal Guardian” amended August 26, 2015, effective February 1, 2016; “Legal Jurisdiction” amended August 26, 2015, effective February 1, 2016; “Non-Compacting State” rescinded August 26, 2015, effective February 1, 2016; “Peace Officer” rescinded August 26, 2015, effective February 1, 2016; “Pick-Up Order” rescinded August 26, 2015, effective February 1, 2016; “Private Provider” rescinded August 26, 2015, effective February 1, 2016; “Residence” rescinded August 26, 2015, effective February 1, 2016; “Runaway” amended August 26, 2015, effective February 1, 2016; “Rule” amended August 26, 2015, effective February 1, 2016; “Status Offense” rescinded August 26, 2015, effective February 1, 2016; “Travel Permit” amended August 26, 2015, effective February 1, 2016; “Deferred Adjudication” amended September 27, 2017, effective March 1, 2018; “Non Adjudicated Juveniles” rescinded September 27, 2017, effective March 1, 2018; “Runaways” amended September 27, 2017, effective*



*March 1, 2018; “Runaways” amended September 11, 2019, effective March 1, 2020; “Absconder” and “Court” amended October 7, 2021, effective March 1, 2022; “Proof of Entitlement” adopted October 7, 2021, effective March 1, 2022*

## **Section 200 General Provisions**

### ***RULE 2-101: Dues Formula***

1. The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least thirty (30) days prior to the Commission meeting at which the proposed revision will be considered.
2. The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
3. The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
4. The dues formula shall be —  $(\text{Population of the state} / \text{Population of the United States}) + (\text{Number of juveniles sent from and received by a state} / \text{total number of offenders sent from and received by all states})$  divided by two.

***History: Adopted December 2, 2009, effective March 1, 2010***

***RULE 2-102: Data Collection***

1. As required by Article III (K) of the compact, the Interstate Commission shall gather, maintain and report data regarding the interstate movement of juveniles who are supervised under this compact and the return of juveniles who have absconded, escaped or fled to avoid prosecution or run away.

***History: Adopted September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013, effective April 1, 2014; amended October 29, 2014, effective October 29, 2014***

### ***RULE 2-103: Adoption of Rules and Amendments***

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

1. Proposed new rules and amendments to existing rules shall be submitted to the Rules Committee for referral and final approval by the full Commission:
  - a. Any ICJ Compact Commissioner or Designee may submit proposed rules or amendments for referral to the Rules Committee for future consideration.
  - b. Standing ICJ Committees may propose rules or amendments by a majority vote of that committee.
  - c. ICJ Regions may propose rules or amendments by a majority vote of members of that region.
2. The Rules Committee shall review drafts of all proposed rules or amendments and provide the drafts to the Commission for review and comments. All written comments received by the Rules Committee on proposed rules or amendments shall be posted on the Commission's website upon receipt. Based on these comments, the Rules Committee shall prepare a final draft of the proposed rules or amendments for consideration by the Commission not later than the next annual meeting falling in an odd-numbered year.
3. Prior to the Commission voting on any proposed rules or amendments, said text shall be published at the direction of the Rules Committee not later than thirty (30) days prior to the meeting at which a vote on the rule or amendment is scheduled, on the official website of the Commission and in any other official publication that may be designated by the Commission 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 Commission 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 providing 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 Commission 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 or amendment. Rules or amendments may be grouped for the convenience of the Commission at public hearings required by this section.
7. Following the scheduled public hearing date, the Commission shall consider all written and oral comments received.
8. The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule or amendment by a vote of yes/no. No additional rules or amendments shall be made at the time such action is taken. A rule or 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 Commission 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 (60) 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 Commission's principal office is located. If the court finds that the Commission'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 Commission 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 Commission may promulgate an emergency rule or amendment 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 (90) days after the effective date of the rule. An emergency rule or amendment is one that shall 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; or
  - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.
11. The Chair of the Rules Committee may direct revisions to a rule or amendments adopted by the Commission, for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the official website of the Interstate Commission for Juveniles and in any other official publication that

may be designated by the Interstate Commission for Juveniles for the publication of its rules. For a period of thirty (30) days after posting, the revision is subject to challenge by any Commissioner or Designee. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Executive Director of the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

*History: Adopted as Rule 7-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 9, 2013 and renumbered as Rule 2-103, effective April 1, 2014; amended September 27, 2017, effective March 1, 2018; amended October 7, 2021, effective March 1, 2022*

***RULE 2-104: Communication Requirements Between States***

1. All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices.
2. Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. A summary of communication shall be provided to the ICJ Office and documented in the electronic data system.
3. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

***History: Adopted as Rule 4-105 December 2, 2009, effective March 1, 2010; renumbered as Rule 2-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018***

### ***RULE 2-105: Victim Notification***

1. Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state.
2. When the sending state will require the assistance of the supervising person in the receiving state to meet these requirements, the sending officer shall clearly document such in the initial packet using the Victim Notification Supplement Form. The Victim Notification Supplement Form shall include the specific information regarding what will be required and the timeframes for which it shall be received.
3. Throughout the duration of the supervision period, the receiving state shall, to the extent possible, provide the sending state with the requested information to ensure the sending state can remain compliant with the laws and policies of the sending state.
4. It is the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

***History: Adopted as Rule 4-107 December 2, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 2-105, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018***

### ***RULE 2-106: Request for Juvenile Information***

Upon request by a member state ICJ Office, other member state ICJ Offices may share information regarding a juvenile who crosses state lines to determine if they are or may be subject to the ICJ.

***History: Adopted September 27, 2017, effective March 1, 2018***



***RULE 2-107: State Councils***

Each member state and territory shall establish and maintain a State Council for Interstate Juvenile Supervision as required by Article IX of the Interstate Compact for Juveniles. The State Council shall meet at least once annually and may exercise oversight and advocacy regarding the state's participation in Interstate Commission activities and other duties, including but not limited to the development of policy concerning operations and procedures of the compact within that state or territory. By January 31st of each year, member states and territories shall submit an annual report to the National Commission to include the membership roster and meeting dates from the previous year.

***History: Adopted September 11, 2019, effective March 1, 2020***

### ***RULE 2-108: Emergency Suspension of Enforcement***

1. Upon a declaration of a national emergency by the President of the United States and/or the declaration of emergency by one or more Governors of the compact member states in response to a crisis, the Commission may, by majority vote, authorize the Executive Committee to temporarily suspend enforcement of Commission rules or any part(s) thereof. Such suspension shall be justified based upon:
  - a. The degree of disruption of procedures or timeframes regulating the movement of juveniles under the applicable provisions of the Compact;
  - b. The degree of benefit (or detriment) of such suspension to the offender and/or public safety; and
  - c. The anticipated duration of the emergency.
2. Regardless of any suspension of enforcement, each member state shall perform all duties required by the Compact to the greatest extent possible, including returns and transfers of supervision.
3. Any suspension of enforcement of Commission rules shall cease 30 calendar days after the termination of the national/state declaration(s) of emergency, unless preemptively concluded by majority vote of the Executive Committee.
4. Any suspension of enforcement of Commission rules shall not apply to duties specified in the Compact statute which are necessary for the operation of the Commission, including but not limited to, payment of dues and appointments of compact administrators and commissioners.

***History: Adopted as an emergency rule pursuant to ICJ Rule 2-103(10) on April 23, 2020, effective April 23, 2020***

## **Section 300 Electronic Information System**

### ***RULE 3-101: Electronic Information System***

States shall use the electronic information system approved by the Commission to facilitate the supervision, travel notices, and return of juveniles pursuant to the Interstate Compact for Juveniles.

***History: Deferred action December 3, 2009 (continued use of AJCA forms with revisions to logo, compact and rule notations); adopted September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October***

*9, 2013, effective April 1, 2014; amended October 29, 2014, effective January 1, 2015; amended October 7, 2021, effective March 1, 2022*

***RULE 3-102: Rescinded, effective 2015***

***Title when rescinded: Optional Forms***

***History: Deferred action December 3, 2009 (continued use of AJCA forms with revisions to logo, compact and rule notations); adopted September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective November 1, 2012; rescinded October 29, 2014, effective January 1, 2015***

***RULE 3-103: Rescinded, effective 2012***

***Title when rescinded: Form Modifications or Revisions***

***History: Adopted September 15, 2010, effective January 1, 2011; rescinded October 17, 2012, effective November 1, 2012***

## **Section 400 Transfer of Supervision**

### ***RULE 4-101: Eligibility Requirements for the Transfer of Supervision***

1. Each state that is a party to the ICJ shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit a juvenile who is eligible for transfer under this Compact to relocate to another state except as provided by the Compact and these rules. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:
  - a. is classified as a juvenile in the sending state; and
  - b. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
  - c. is under the jurisdiction of a court or appropriate authority in the sending state; and
  - d. has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
  - e. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
  - f.
    - i. will reside with a legal guardian, relative, non-relative or independently, excluding residential facilities; or
    - ii. is a full-time student at an accredited secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.
3. If a juvenile is placed pursuant to the ICJ and is also subject to the Interstate Compact on the Placement of Children (ICPC), placement and supervision through the ICPC would not be precluded.
4. A request for the transfer of supervision for the sole purpose of collecting restitution and/or court fines is not permitted.
5. A juvenile who is not eligible for transfer under this Compact is not subject to these rules.

***History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013,***

*effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended November 4, 2015*

***RULE 4-101A: Rescinded, effective 2014***

***Title when rescinded: Transfer of Students***

***History: Adopted September 15, 2010, effective January 1, 2011; rescinded October 9, 2013, effective April 1, 2014***

#### ***RULE 4-102: Sending and Receiving Referrals***

1. Each ICJ Office shall develop policies/procedures on how to handle ICJ matters within its state.
2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
  - a. State Committed (Parole) Cases – When transferring a juvenile parolee, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state’s request for transfer of supervision has been approved, except as described in 4-102(2)(a)(ii).
    - i. The sending state shall ensure the following referral is complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile’s anticipated arrival. The referral shall contain: Form IV Parole or Probation Investigation Request; Form VI Application for Services and Waiver; and Order of Commitment. The sending state shall also provide copies (if available) of the Petition and/or Arrest Report(s), Legal and Social History, supervision summary if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded, photograph, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile’s release from an institution. Form V Notification From Sending State Of Parolee or Probationer Proceeding To The Receiving State shall be forwarded prior to or at the time the juvenile relocates to the receiving state.
    - ii. When it is necessary for a State Committed (parole) juvenile to relocate prior to the acceptance of supervision, under the provision of Rule 4-104(4), the sending state shall determine if the circumstances of the juvenile’s immediate relocation justify the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state, it shall provide the receiving state with the approved Form VII Out-of-State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
    - iii. If not already submitted, the sending state shall provide the complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether or not it will expedite the referral.
  - b. Probation Cases – The sending state shall ensure the following referral is complete and forwarded to the receiving state. The referral shall contain: Form IV Parole or Probation Investigation Request; Form VI Application for Services and Waiver; Order of Adjudication and Disposition; Conditions of Probation; and Petition and/or Arrest Report(s). The sending state shall also provide (if available) Legal and Social History,



supervision summary, if the juvenile has been on supervision in the sending state for more than thirty (30) calendar days at the time the referral is forwarded, photograph, and any other pertinent information. Form V Notification From Sending State Of Parolee or Probationer Proceeding To The Receiving State shall be forwarded prior to or at the time the juvenile relocates to the receiving state, if the juvenile is not already residing in the receiving state.

3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation. If the juvenile is already residing in the receiving state, the receiving state shall obtain the juvenile's signature on the Form VI Application for Service and Waiver.
4. The receiving state shall, within forty-five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

*History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022*

#### ***RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders***

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state unless Rule 4103(3) is applicable.
2. When transferring a juvenile sex offender, the referral shall consist of: Form VI Application for Services and Waiver, Form IV Parole or Probation Investigation Request, Order of Adjudication and Disposition, Conditions of Supervision, Petition and/or Arrest Report. The sending state shall also provide (if available): Safety Plan, Specific Assessments, Legal and Social History information pertaining to the criminal behavior, Victim Information, i.e., sex, age, relationship to the juvenile, sending state's current or recommended Supervision and Treatment Plan, photograph, and all other pertinent materials. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V Notification From Sending State of Parolee or Probationer Proceeding to the Receiving State shall be forwarded prior to or at the time the juvenile relocates to the

receiving state, if the juvenile is not already residing in the receiving state pursuant to Rule 4103(3).

3. When it is necessary for a juvenile sex offender to relocate with a legal guardian prior to the acceptance of supervision, and there is no legal guardian in the sending state, the sending state shall determine if the circumstances of the juvenile's immediate relocation justify the use of a Form VII Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated:
  - a. The sending state shall provide the receiving state with an approved Form VII Out-of-State Travel Permit and Agreement to Return along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
  - b. If not already submitted, the sending state shall transmit a complete referral to the receiving state within ten (10) business days of the Form VII Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether it will expedite the referral or process the referral according to Rule 4-102.
  - c. Within five (5) business days of receipt of the Form VII Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of applicable registration requirements and/or reporting instructions, if any. The sending state shall be responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her family in a timely manner.
  - d. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions issued under 4-103(3)(c).
4. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws when issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance referred to in Rule 4-104(4).
5. Juvenile sex offender shall abide by the registration laws in the receiving state, i.e., felony or sex offender registration, notification or DNA testing.
6. A juvenile sex offender who fails to register when required will be subject to the laws of the receiving state.

*History: Adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015,*

*effective February 1, 2016; clerically amended October 17, 2016; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022*

***RULE 4-104: Authority to Accept/Deny Supervision***

1. Only the receiving state's authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating officer.
2. The receiving state's authorized Compact Office staff's signature is required on or with the Form VIII Home Evaluation Report that accepts or denies supervision of a juvenile by that state.
3. Supervision cannot be denied based solely on the juvenile's age or the offense.
4. Supervision may be denied when the home evaluation reveals that the proposed residence is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state, except when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.
5. Upon receipt of acceptance of supervision from the receiving state, and prior to the juvenile's departure if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.
6. If the transfer of supervision is denied by the receiving state and the juvenile is already residing in the receiving state, the sending state shall, within five (5) business days, secure alternative living arrangements and submit an updated referral or return the juvenile to the sending state. This time period may be extended up to an additional five (5) business days with approval from both ICJ offices.

***History: Adopted as Rule 5-101 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022***

***Comment: Rule 4-104 was originally titled "Supervision/Services Requirements," adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 5-101, effective April 1, 2014***

***Renumbered, effective 2014***

***RULE 4-105:***

***Title when renumbered: Communication Requirements Between States***

***History: Adopted December 2, 2009, effective March 1, 2010; renumbered as Rule 2-104, effective April 1, 2014***

*Renumbered, effective 2014*

***RULE 4-106:***

***Title when renumbered:*** Closure of Cases

***History:*** Adopted December 2, 2009, effective March 1, 2010; renumbered as Rule 5-104, effective April 1, 2014

***Renumbered, effective 2014***

***RULE 4-107:***

***Title when renumbered: Victim Notification***

***History: Adopted December 2, 2009, effective March 1, 2010; renumbered as Rule 2-105, effective April 1, 2014***

## **Section 500 Supervision in Receiving State**

### ***RULE 5-101: Supervision/Services Requirements***

1. After accepting supervision, the receiving state will assume the duties of supervision over any juvenile, and in exercise of those duties will be governed by the same standards of supervision that prevail for its own juveniles released on probation or parole, except that neither the sending nor receiving state shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ.
2. At the time of acceptance or during the term of supervision, the appropriate authority in the receiving state may impose conditions on a juvenile transferred under the ICJ if that condition would have been imposed on a juvenile in the receiving state. Any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state.
3. Both the sending and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of sanctions. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions.
4. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in residence or in the person with whom the juvenile resides.
5. When the change of residence includes a change in the person with whom the juvenile resides, the sending state may request additional information regarding the new residence. If the sending state does not support this change, they shall notify the receiving state and propose an alternative living arrangement or affect the return of the juvenile.
6. The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral shall clearly state who will be responsible for purchasing treatment services.
7. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of secure facility shall be determined by the laws regarding the age of majority in the receiving state.
8. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state 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.

9. Supervision for the sole purpose of collecting restitution and/or court fines is not a permissible reason to continue or extend supervision of a case. The receiving state may initiate the case closure request once all other terms of supervision have been met.

*History: Adopted as Rule 4-104 December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 9, 2013 and renumbered as Rule 5-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 11, 2019, effective March 1, 2020; clerically amended October 1, 2021; amended October 7, 2021, effective March 1, 2022*

*Comment: Rule 5-101 was originally titled “Authority to Accept/Deny Supervision,” adopted December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 4-104, effective April 1, 2014*

***RULE 5-102: Absconder Under ICJ Supervision***

1. If there is reason to believe that a juvenile being supervised under the terms of the Interstate Compact for Juveniles in the receiving state has absconded, the receiving state shall attempt to locate the juvenile. Such activities shall include, but are not limited to:
  - a. conducting a field contact at the last known residence;
  - b. contacting the last known school or employer, if applicable; and
  - c. contacting known family members and collateral contacts.
2. If the juvenile is not located, the receiving state shall submit a Form IX Absconder Report to the sending state's ICJ office which shall include the following information:
  - a. the juvenile's last known address and telephone number,
  - b. date of the juvenile's last personal contact with the supervising agent,
  - c. details regarding how the supervising agent determined the juvenile to be an absconder, and
  - d. any pending charges in the receiving state.
3. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
4. Upon finding or apprehending the juvenile, the sending state shall make a determination if the juvenile shall return to the sending state or if the sending state will request supervision resume in the receiving state.

***History: Adopted as Rule 6-104A October 17, 2012, effective April 1, 2013; renumbered as Rule 5-102, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended October 7, 2021, effective March 1, 2022***

*Comment: Rule 5-102 was originally titled "Travel Permits," adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013 and renumbered as Rule 8-101, effective April 1, 2014*

***RULE 5-103: Reporting Juvenile Non-Compliance, Failed Supervision and Retaking***

1. At any time during supervision if a juvenile is out of compliance with conditions of supervision, the receiving state shall notify the sending state using Form IX Quarterly Progress, Violation or Absconder Report, which shall contain:
  - a. the date of the new citation or technical violation that forms the basis of the violation;
  - b. description of the new citation or technical violation;
  - c. status and disposition, if any;
  - d. supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation;
  - e. description of efforts made to redirect the behavior, including therapeutic interventions, incentives and/or graduated sanctions, or other corrective actions consistent with supervision standards in the receiving state; and
  - f. receiving state recommendations.
2. The sending state shall respond to a violation report in which a revocation or discharge is recommended by the receiving state no later than ten (10) business days following receipt by the sending state. The response shall include the action to be taken by the sending state, which may include continue supervision, and the date that action will occur.
3. The decision of the sending state to retake a juvenile shall be conclusive and not reviewable within the receiving state. If the sending state determines the violation requires retaking or retaking is mandatory, the following shall be considered:
  - a. In those 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 retaken without the consent of the receiving state until discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision.
  - b. The Form VI Application for Services and Waiver has the appropriate signatures; no further court procedures will be required for the juvenile's return.
  - c. A duly accredited officer of a sending state may enter a receiving state and apprehend and retake any such juvenile on probation or parole consistent with probable cause requirements, if any. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
  - d. The sending state shall return the juvenile in a safe manner, pursuant to the ICJ Rules, within five (5) business days. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
4. Upon request from the receiving state, the sending state's ICJ Office shall return the juvenile within five (5) business days in accordance with these rules when:

- a. A legal guardian remains in the sending state and the supervision in the receiving state fails as evidenced by:
  - i. When a juvenile is no longer residing in the residence approved by the receiving state due to documented instances of violation of conditions of supervision; or
  - ii. When an alternative residence is determined to be in the best interest of the juvenile due to documented instances of violation of conditions of supervision and no viable alternatives exist in the receiving state; or
  - iii. When an immediate, serious threat to the health and safety of the juvenile and/or others in the residence or community is identified; and
  - iv. The receiving state has documented efforts or interventions to redirect the behavior.
- b. The juvenile is not residing with a legal guardian and that person requests the juvenile be removed from his/her home. The sending state shall secure alternative living arrangements within five (5) business days or the juvenile shall be returned. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
- c. A juvenile student or juvenile who resides independently in the receiving state whose transfer of supervision fails.

***History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018; clerically amended May 19, 2021; amended October 7, 2021, effective March 1, 2022***

*Comment: Sections of Rule 5-103 were adopted as Rule 6-104 "Return of Juveniles Whose ICJ Placement Has Failed" December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; Rule 6-104 rescinded and replaced by Rule 5-103 October 9, 2013, effective April 1, 2014*

#### ***RULE 5-104: Closure of Cases***

- 1. The sending state has sole authority to discharge/terminate supervision of its juveniles with the exception of:
  - a. When a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the supervision and administration of its ICJ case

once it has notified the sending state's ICJ office, in writing, and provided it with a copy of the adult court order.

- b. Cases which terminate due to expiration of a court order or upon expiration of the maximum period of parole or probation 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 within five (5) business days.
2. After the receiving state has accepted a probation/parole case for supervision, the juvenile shall relocate within ninety (90) calendar days. If the juvenile does not relocate within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date.
3. The receiving state may submit to the sending state a request for the early discharge/termination of the juvenile 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. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge/termination report or notification to close based on the receiving state's recommendation or, if the request to close has been denied, provide written explanation within sixty (60) calendar days as to why the juvenile cannot be discharged/terminated from probation/parole.
4. The receiving state may close the case upon notification that a warrant has been issued by the sending state for a juvenile who has absconded from supervision in the receiving state, or if the juvenile has been on absconder status for ten (10) business days.
5. The sending state shall close the case when the sole purpose of supervision is collecting restitution and/or court fines.
6. The receiving state may close the supervision case upon notification that the juvenile has been admitted to a residential facility for a planned stay in excess of ninety (90) calendar days. Upon release from the facility, if the juvenile remains on supervision within the sending state and meets eligibility requirements, the sending state shall submit a new referral.

*History: Adopted as Rule 4-106 December 2, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; renumbered as Rule 5-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018*



## **Section 600 Voluntary and Non-Voluntary Return of Juveniles/Runaways**

The home/demanding state's ICJ Office shall return all of its juveniles according to one of the following methods.

### ***RULE 6-101: Release of Non-Delinquent Runaways***

1. Juvenile authorities may release a non-delinquent runaway to his/her legal guardian or custodial agency within the first twenty-four (24) hours (excluding weekends and holidays) of detainment without applying the Compact, except in cases where the holding authority suspects abuse or neglect in the residence of the legal guardian or custodial agency.
2. If a non-delinquent runaway remains in custody beyond twenty-four (24) hours, the holding state's ICJ Office shall be contacted and the Compact shall be applied.

***History: Adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; clerically amended April 18, 2012, effective May 31, 2012; amended August 26, 2015, effective February 1, 2016***

***RULE 6-102: Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders***

Once an out-of-state juvenile is found and detained, the following procedures shall apply:

1. Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. Probation/parole absconders, escapees or accused delinquents who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state shall have the discretion to hold the juvenile at a location it deems appropriate.
3. The holding state's ICJ Office shall be advised that the juvenile is being detained. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.
4. The home/demanding state's ICJ Office shall immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state.
5. At a court hearing (physical or electronic), the court in the holding state shall inform the juvenile of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile.
6. If in agreement with the voluntary return, the juvenile shall sign the Form III Consent for Voluntary Return of Out-of-State Juveniles in the presence (physical or electronic) of the court. The Form III Consent for Voluntary Return of Out-of-State Juveniles shall be signed by the court.
7. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the Form III Consent for Voluntary Return of Outof-State Juveniles, provided the waiver is signed by the juvenile and the court.
8. When consent has been duly executed, it shall be forwarded to and filed with the Compact administrator, or designee, of the holding state. The holding state's ICJ Office shall in turn, forward a copy of the consent to the Compact administrator, or designee, of the home/demanding state.
9. 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 will ensure the safety of the public and juveniles.



10. Juveniles shall be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III Consent for Voluntary Return of Out-of-State Juveniles or adult waiver. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

*History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 17, 2012, effective April 1, 2013; amended August 26, 2015, effective February 1, 2016; amended September 11, 2019, effective March 1, 2020*

***RULE 6-103: Non-Voluntary Return of Runaways and/or Accused Status Offenders***

A requisition applies 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. A requisition may also be used to request a juvenile be picked up and detained pending return when they have left the state with the permission of their legal guardian/custodial agency but failed to return as directed.

1. Runaways and accused status offenders in custody who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate.
2. 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 runaway and/or an accused status offender, 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 sixty (60) calendar days of notification of the juvenile's refusal to voluntarily return.
  - a. The petitioner may use Form A, Petition for Requisition to Return a Runaway Juvenile, or other petition. The petition shall state 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 his/her running away, his/her location at the time application is made, and other facts showing that the juvenile is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
    - i. The petition shall be verified by affidavit.
    - ii. The petition is to 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.
    - iii. Other affidavits and other documents may be submitted with such petition.
  - b. When it is determined that the juvenile should be returned, the court in the home/demanding state shall sign the Form I Requisition for Runaway Juvenile.
  - c. The Form I Requisition for Runaway Juvenile accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
4. Upon receipt of the Form I Requisition for Runaway Juvenile, the home/ demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the

juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.

5. The ICJ Office in the state where the juvenile is located will forward the Form I Requisition for Runaway Juvenile to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval from both ICJ Offices.
6. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the court shall issue written findings detailing the reason(s) for denial.
7. 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 the same to the home/demanding state's ICJ Office.
8. Juveniles held in detention, pending non-voluntary return to the home/demanding state, may be held for a maximum of ninety (90) calendar days.
9. 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 up to an additional five (5) business days with approval from both ICJ Offices.
10. If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's appropriate authority shall initiate the requisition process on behalf of the juvenile.

*History: Adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective November 1, 2012; amended October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020*

***RULE 6-103A: Non-Voluntary Return of an Escapee, Absconder or Accused Delinquent***

A requisition applies 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.

1. Probation/parole escapees, absconders or accused delinquents who have been taken into custody on a warrant shall be detained in secure facilities until returned by the demanding state.
2. The 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. The demanding state shall present to the court or appropriate authority a Form II Requisition for Escapee, Absconder, or Accused Delinquent, requesting the juvenile's return. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the juvenile's refusal to voluntarily return.
  - a. The requisition shall be verified by affidavit, unless the court is the requisitioner, and shall be accompanied by copies of supporting documents that show entitlement to the juvenile. Examples may include:
    - i. Judgment
    - ii. Order of Adjudication
    - iii. Order of Commitment
    - iv. Petition Alleging Delinquency
    - v. Other affidavits and documents may be submitted with such requisition.
  - b. When it is determined that the juvenile should be returned, the court or the appropriate authority in the demanding state shall sign the Form II Requisition for Escapee, Absconder, or Accused Delinquent.
  - c. The Form II Requisition for Escapee, Absconder, or Accused Delinquent accompanied by the supporting documentation shall be forwarded to the demanding state's ICJ Office.
4. Upon receipt of Form II Requisition for Escapee, Absconder, or Accused Delinquent, the demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
5. The ICJ Office in the state where the juvenile is located will forward the Form II Requisition for Escapee, Absconder, or Accused Delinquent to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval from both ICJ Offices.
6. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the court shall issue written findings detailing the reason(s) for denial.

7. 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 the same to the demanding state's ICJ Office.
8. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
9. Requisitioned juveniles shall be accompanied in their return to the demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

*History: Adopted October 9, 2013, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020*

***RULE 6-104: ICPC Recognition***

ICJ recognizes the authority of ICPC under Article V of the Interstate Compact on the Placement of Children and supports their authority to return ICPC youth who have run away from their outof-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.

***History: Adopted October 9, 2013, effective April 1, 2014***

*Comment: Rule 6-104 was originally titled "Return of Juveniles Whose ICJ Placement Has Failed," adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; rescinded and replaced by Rule 5-103 on October 9, 2013, effective April 1, 2014*

***RULE 6-105: Return of Juveniles When Abuse or Neglect is Reported***

1. When a holding state has reason to suspect abuse or neglect by a person in the home/demanding state, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to affect the return of the juvenile.
2. Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the time frames in accordance with the rules.
3. States shall follow its procedures for reporting and investigating allegations of abuse or neglect of juveniles.

***History: Adopted August 26, 2015, effective February 1, 2016***

*Comment: Rule 6-105 was originally titled "Financial Responsibility," adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; renumbered as Rule 7-101, effective April 1, 2014*

***RULE 6-111: Renumbered, effective 2014***

***Title when renumbered: Airport Supervision***

***History: Adopted December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 7107, effective April 1, 2014***

***RULE 6-112: Rescinded, effective 2012***

***Title when rescinded: Provision of Emergency Services***

***History: Adopted December 3, 2009, effective March 1, 2010; rule rescinded and “Provision of Emergency Services” merged into Rule 6-111 October 26, 2011, effective March 1, 2012***



## **Section 700 Additional Return Requirements for Sections 500 and 600**

### ***RULE 7-101: Financial Responsibility***

1. The home/demanding/sending state shall be responsible for the costs of transportation, for making transportation arrangements and for the return of juveniles within five (5) business days of being notified by the holding state's ICJ Office that the juvenile's due process rights have been met. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
2. The holding state shall not be reimbursed for detaining or transporting juveniles unless the home/demanding/sending state fails to affect the return of its juveniles accordance with these rules.

*History: Adopted as Rule 6-105 December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; renumbered as Rule 7-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; clerically amended October 17, 2016; amended September 27, 2017, effective March 1, 2018*

*Comment: Rule 7-101 was originally titled "Adoption of Rules and Amendments," adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 2-103 October 9, 2013, effective April 1, 2014*

### ***RULE 7-102: Public Safety***

1. The home/demanding/sending state's ICJ 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/sending states' assessments of the juvenile, including but not limited to, the juvenile's psychological and medical condition and needs.
2. If the home/demanding/sending state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding/sending state.

*History: Adopted as Rule 6-106 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; clerically amended January 5, 2011, effective February 4, 2011; amended October 9, 2013 and renumbered as Rule 7-102, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016*



***RULE 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.

***History: Adopted as Rule 6-107 December 3, 2009, effective March 1, 2010; renumbered as Rule 7-103, effective April 1, 2014; amended September 27, 2017, effective March 1, 2018***

#### ***RULE 7-104: Warrants***

1. All warrants issued for juveniles subject to the Compact shall be entered into the National Crime Information Center (NCIC) with a nationwide pickup radius and not eligible for bond.
2. Holding states shall honor all lawful warrants as entered by other states. When a juvenile is placed in custody pursuant to a warrant issued by a juvenile court, the holding state shall, no later than the next business day, notify the ICJ Office in the home/demanding/sending state. Upon notification, the home/demanding/sending state shall issue a detainer or provide a copy of the warrant to the holding state.
3. Within two (2) business days of notification, the home/demanding/sending state shall inform the holding state whether the home/demanding/sending state intends to act upon and return the juvenile, or notify in writing the intent to withdraw the warrant. If mandated under other applicable rules, such as those pertaining to runaways or failed supervision, the absence of a warrant does not negate the home/demanding/sending state's responsibility to return the juvenile.
4. When a juvenile is in custody pursuant to a warrant issued by a juvenile court, the holding state shall not release the juvenile in custody on bond.
5. If the warrant is issued by an adult court, the juvenile shall be extradited pursuant to the Uniform Criminal Extradition Act (UCEA) or similar extradition law of the home/demanding state, unless the issuing authority in the home/demanding state determines that the juvenile should be returned pursuant to the ICJ. Regardless of other procedures used for the extradition/return, a Form III Consent for Voluntary Return of Out of State Juvenile may be used if approved by the issuing authority in the home/demanding state.

***History: Adopted as Rule 6-108 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 7-104, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018; amended September 11, 2019, effective March 1, 2020; amended October 7, 2021, effective March 1, 2022***

#### ***RULE 7-105: Detention and Hearing on Failure to Return***

1. Where circumstances require the holding/receiving court to detain any juvenile under the ICJ, the type of secure facility shall be determined by the laws regarding the age of majority in the holding/receiving state. This would include an out-of-state juvenile that is charged as an adult and is subject to extradition under the Uniform Criminal Extradition Act (UCEA), or the home/demanding state's own extradition laws.

2. If a home/demanding/sending state is required to return a juvenile and fails to do so within ten (10) business days in accordance with these rules, a judicial hearing shall be provided in the holding state to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of these rules. A juvenile may be discharged from detention to a legal guardian or his/her designee if the holding/receiving state's court determines that further detention is not appropriate.

*History: Adopted as Rule 6-109 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 7-105, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended October 7, 2021, effective March 1, 2022*

***RULE 7-106: Transportation***

1. Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state and maintaining security of the juveniles until departure.
2. Home/demanding/sending states shall make every effort to accommodate the airport preferences of the holding/receiving state. Additionally, travel plans shall be made with consideration of normal business hours and exceptions shall be approved by the holding/receiving state.
3. Holding/receiving states shall not return to juveniles any personal belongings which could jeopardize the health, safety, or security of the juveniles or others (examples: weapon, cigarettes, medication, lighters, change of clothes, or cell phone).
4. Holding/receiving states 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/sending 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/receiving 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 his/her possession before entering the airport.
6. 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.
7. 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.

***History: Adopted as Rule 6-110 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; renumbered as Rule 7-106, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018***

***RULE 7-107: Airport Supervision***

1. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports en route to the home/demanding/sending state.
2. Juveniles shall be supervised from arrival until departure.

3. Home/demanding/sending states shall give the states providing airport supervision a minimum of forty-eight (48) hours advance notice.
4. 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, the 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.

*History: Adopted as Rule 6-111 December 3, 2009, effective March 1, 2010; clerically amended January 5, 2011, effective February 4, 2011; amended October 26, 2011, effective March 1, 2012; renumbered as Rule 7-107, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016*

## **Section 800 Travel Permits**

### ***RULE 8-101: Travel Permits***

1. All travel permits shall be submitted prior to the juvenile's travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twentyfour (24) consecutive hours who meet the criteria set forth in 1(a) or 1(b):
  - a. Juveniles who have been adjudicated and are on supervision for one of the following: i. sex-related offenses;
    - ii. violent offenses that have resulted in personal injury or death; or
    - iii. offenses committed with a weapon;
  - b. Juveniles who are one of the following:
    - i. state committed;
    - ii. relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
    - iii. returning to the state from which they were transferred for the purposes of visitation;
    - iv. transferring to a subsequent state(s) with the approval of the original sending state; or
    - v. transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
2. Juveniles traveling to a residential facility for placement shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes.
3. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the travel permit. The issuing state shall instruct the juvenile to immediately report any change in status during that period.
  - a. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.

When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel.



5. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.

*History: Adopted as Rule 5-102 December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective January 1, 2011; amended October 26, 2011, effective March 1, 2012; amended October 17, 2012, effective April 1, 2013; amended October 9, 2013 and renumbered as Rule 8-101, effective April 1, 2014; amended August 26, 2015, effective February 1, 2016; amended September 27, 2017, effective March 1, 2018*

*Comment: Rule 8-101 was originally titled "Informal Communication to Resolve Disputes or Controversies and Obtain Interpretation of the Rules," adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-101, effective April 1, 2014*

***RULE 8-102: Renumbered, effective 2014***

***Title when renumbered: Formal Resolution of Disputes and Controversies***

***History: Adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-102, effective April 1, 2014***

***RULE 8-103: Renumbered, effective 2014***

***Title when renumbered: Enforcement Action Against a Defaulting State***

***History: Adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-103, effective April 1, 2014***

***RULE 8-104: Renumbered, effective 2014***

***Title when renumbered: Judicial Enforcement***

***History: Adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-104, effective April 1, 2014***

***RULE 8-105: Renumbered, effective 2014***

***Title when renumbered: Dissolution and Withdrawal***

***History: Adopted December 3, 2009, effective March 1, 2010; renumbered as Rule 9-105, effective April 1, 2014***

## **Section 900 Dispute Resolution, Enforcement, Withdrawal, and Dissolution**

### ***RULE 9-101: Initial Dispute Resolution and Interpretation of the Rules***

#### **1. Direct communication.**

Through the office of a state's Compact Commissioner, states shall attempt to resolve disputes or controversies by communicating with each other directly.

#### **2. Assistance with resolution of dispute or controversy.**

- a. Following a documented unsuccessful attempt to resolve controversies or disputes arising under this Compact, its by-laws or its rules as required under Rule 9-101, Section 1, compacting states shall pursue assistance with resolution of the dispute or controversy prior to resorting to dispute resolution alternatives.
- b. Parties shall submit a written request using the form approved by the Executive Committee to the Executive Director for assistance in resolving the controversy or dispute. The Executive Director, or the Chair of the Commission in the Executive Director's absence, shall provide a written response to the parties within ten (10) business days and may, at the Executive Director's discretion, seek the assistance of legal counsel or the Executive Committee in resolving the dispute. The Executive Committee may authorize its standing committees or the Executive Director to assist in resolving the dispute or controversy.
- c. In the event that a Commission officer(s) or member(s) of the Executive Committee or other committees authorized to process the dispute, is the Commissioner(s) or designee(s) of the state(s) which is a party(ies) to the dispute, such Commissioner(s) or designee(s) shall refrain from participation in the dispute resolution process.

#### **3. Interpretation of the rules.**

Any state may submit a written request to the Executive Director for assistance in interpreting the rules of this Compact. The Executive Director may seek the assistance of legal counsel, the Executive Committee, or both, in interpreting the rules. The Executive Committee may authorize its standing committees to assist in interpreting the rules. Interpretations of the rules shall be issued in writing by the Executive Director and legal counsel in consultation with the Executive Committee and shall be circulated to all of the states.

***History: Adopted as Rule 8-101 December 3, 2009, effective March 1, 2010; renumbered as Rule 9-101, effective April 1, 2014; clerically amended February 4, 2015, effective February 4, 2015; amended September 11, 2019, effective March 1, 2020***

*Comment: Rule 9-101 was originally titled “Transition Rule,” adopted December 3, 2009, effective March 1, 2010; amended September 15, 2010, effective September 15, 2010; expired June 30, 2011*

## ***RULE 9-102: Alternative Resolution of Disputes and Controversies***

### **1. Use of alternative dispute resolution.**

- a. Any controversy or dispute between or among parties that arises from or relates to this Compact that is not resolved under Rule 9-101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

### **2. Mediation and arbitration.**

#### **a. Mediation.**

- i. A state that is party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- ii. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the Commission or a national organization responsible for setting standards for mediators, and pursuant to procedures customarily used in mediation proceedings.

#### **b. Arbitration.**

- i. Arbitration may be recommended by the Executive Committee in any dispute regardless of the parties' previous submission of the dispute to mediation.
- ii. Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three (3) members. These arbitrators shall be selected from a list of arbitrators maintained by the Commission.
- iii. Arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator.
- iv. 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.
- v. 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.
- vi. The arbitrator shall have the power to impose any sanction permitted by the provisions of this Compact and authorized Compact rules.



vii. Judgment on any arbitration award may be entered in any court having jurisdiction.

*History: Adopted as Rule 8-102 December 3, 2009, effective March 1, 2010; renumbered as Rule 9-102, effective April 1, 2014; clerically amended February 4, 2015, effective February 4, 2015; amended September 11, 2019, effective March 1, 2020*

***RULE 9-103: Enforcement Actions Against a Defaulting State***

1. The Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the defaulting state.
2. The Commission shall impose sufficient sanctions to ensure the defaulting state's fulfillment of such obligations or responsibilities as imposed upon it by this compact and hold the defaulting state accountable. Sanctions shall be imposed in accordance with policies established by the Commission.
3. If the Commission 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 by-laws or any duly promulgated rules the Commission may impose any or all of the following sanctions.
  - a. Remedial training and technical assistance as directed by the Commission;
  - b. Alternative dispute resolution;
  - c. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Commission;
  - d. Suspension and/or termination of membership in the Compact. Suspension or termination shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted, and the Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.
4. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this Compact, Commission by-laws, or duly promulgated rules, and any other grounds designating on Commission by-laws and rules.
5. The Commission shall immediately notify the defaulting state in writing of the default and the time period in which the defaulting state must cure said default. The Commission shall also specify sanction(s) to be imposed on the defaulting state, which shall be in addition to any costs associated with curing the default, including but not limited to: technical and training assistance and legal costs.
6. Sanctions may be abated if the default is cured. Conditions under which abatement may be considered shall be clearly outlined and provided to the defaulting state at the time the state is notified of the default.

7. If the defaulting state fails to cure the default within the time period specified by the Commission, in addition to any other sanctions imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.
8. Within sixty (60) days of the effective date of termination of a defaulting state, the Commission shall notify the governor, the chief justice or chief judicial officer, and the Majority and Minority Leaders of the defaulting state's legislature and the State Council of such termination.
9. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
10. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

***History: Adopted as Rule 8-103 December 3, 2009, effective March 1, 201; renumbered as Rule 9-103, effective April 1, 2014; clerically amended February 4, 2015, effective February 4, 2015; amended August 26, 2015, effective February 1, 2016; amended September 11, 2019, effective March 1, 2020***

***RULE 9-104: Judicial Enforcement***

The Commission, in consultation with legal counsel, may by majority vote of the states that are members of the Compact, initiate legal action in the United States District Court in the District of Columbia or at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its office, 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.

***History: Adopted as Rule 8-104 December 3, 2009, effective March 1, 2010; renumbered as Rule 9-104, effective April 1, 2014***

***RULE 9-105: Dissolution and Withdrawal***

1. Dissolution.

- a. The Compact dissolves effective upon the date of the withdrawal or default of a compacting state, which reduces membership in the Compact to one compacting state.
- b. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

2. Withdrawal.

- a. Once effective the Compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the Compact by specifically repealing the statute, which enacted the Compact into law.
- b. The effective date of withdrawal is the effective date of the repeal.
- c. The withdrawing state shall immediately notify the chairperson of the Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.
- d. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal.
- e. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Commission.

***History: Adopted as Rule 8-105 December 3, 2009, effective March 1, 2010; renumbered as Rule 9-105, effective April 1, 2014***