

TN

Department of  
**Children's Services**



# Interstate Compact for Juveniles

Overview and Guide for Family Service Workers

Tennessee Department of Children's Services | Policy | July 2016



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# Purpose

To provide procedures regarding the supervision of offenders transferred by way of the Interstate Compact for Juveniles (ICJ).

## *Applicability*

Employees of the Tennessee Department of Children's Services, contracting Tennessee counties and court staff who are responsible for the supervision of juvenile offenders. Judges and Court Personnel may also access ICJ Court procedures using the **ICJ Bench Book for Judges & Court Personnel** as well as the Toolkit for Judges via the links below or via the compact website at [www.juvenilecompact.org](http://www.juvenilecompact.org):

[http://www.juvenilecompact.org/Portals/5/library/legal/benchbook/Bench%20Book\\_Web.pdf](http://www.juvenilecompact.org/Portals/5/library/legal/benchbook/Bench%20Book_Web.pdf)

<http://juvenilecompact.org/Legal/Judges/ToolkitforJudges.aspx>

- Juvenile offenders
- status offenders,
- Youth on probation or parole,
- Youth who are preparing for parole and are requesting to be transferred to or from the State of Tennessee (TN).
- Juveniles who have runaway, escaped, or absconded to or from Tennessee.

# Overview of Interstate Compact for Juveniles

The Interstate Compact for Juveniles (**ICJ**) has the force and effect of **federal law**. The ICJ assists states in the **return of youth who run away, escape or abscond across state lines**. It also provides for the **cooperative supervision of juvenile probationers and parolees between states**. The Interstate Commission for Juveniles provides oversight for the Interstate Compact. The website for ICJ is [www.juvenilecompact.org](http://www.juvenilecompact.org). Currently **ALL** fifty states and two U.S. Territories (Puerto Rico and the U.S. Virgin Islands) are part of this compact.

Juveniles adjudicated as delinquent, adjudicated as status offenders, or having a deferred adjudication in the sending state and are under the jurisdiction of a court or appropriate authority in the **sending state** (*where youth is going*), are eligible for supervision and services under the ICJ and **must be approved under the ICJ** to relocate to another state. An individual's status as a juvenile depends on the law in the sending state and the appropriate juvenile authority in the receiving state provides supervision.

- Supervision for the sole purpose of collecting restitution is **not** a justifiable reason to open an interstate case.
- Juvenile sex offenders required to transfer supervision to another state **are not allowed** to depart TN prior to an approved interstate transfer through the TN ICJ office.
- Juveniles currently on probation, parole, who wish to come to TN to reside, must do so in accordance with the ICJ.

Requests for juvenile offenders to be placed in a **private residential placement** are processed by way of the **Interstate Compact for the Placement of Children (ICPC)**. There are certain situations in which the ICJ office and ICPC office would work together to facilitate a placement/return of a juvenile. The TN ICJ and ICPC offices are aware of the process and will guide the Family Service Worker (FSW) or Court staff if the situation arises.

### *Channels of Communication*

All communication between states on ICJ matters take place **between the ICJ offices of the states** involved. There should be **no communication between the DCS Family Service Worker (FSW) and ICJ offices in other states** unless specifically authorized by the Tennessee ICJ office. This applies to written and verbal communication. See RULE 2-104: Communication Requirements between States <http://juvenilecompact.org/Legal/RulesStepbyStep/Section200/Rule2104.aspx> for more information.

### *Tennessee ICJ Office Staff*

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 Nashville, Tennessee 37243

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<b>Quincy Hughes,</b> <i>Program Coordinator</i> <i>(Quarterly Reports, Home Evaluations, Case Closure)</i>	<a href="mailto:Quincy.Hughes@tn.gov">Quincy.Hughes@tn.gov</a>	901-348-3906 901-201-1835 (c)	901-396-9099

## *Forms*

**According to ICJ Rule 3-101, "States shall use the electronic information system approved by the Commission for e-forms processed through the Interstate Compact for Juveniles."**

Access to the following ICJ forms is available through the Interstate Commission for Juveniles website:

[www.juvenilecompact.org](http://www.juvenilecompact.org) and the DCS website under the "Forms Section":

<https://www.teamtn.gov/dcs/forms-and-documents.html>.

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## **ICJ Procedures**

Legal jurisdiction of a juvenile may not be transferred across state lines through ICJ. Therefore, the sending state retains jurisdiction over a youth sent to Tennessee.

### *Tennessee as Receiving State*

A youth sent to Tennessee must be on probation, parole (aftercare) as defined by the ICJ. DCS staff has the responsibility to directly supervise ICJ youth on supervision from other states (probation & parole cases).

The requesting state will send a referral packet (request for transfer) to the TN ICJ Office.

If it is recommended for a Home Evaluation Report to be completed, the TN ICJ office will contact/assign the packet and advise when the Home Evaluation is due back to the ICJ office.

### *Home Evaluation by DCS*

Purpose: The ICJ recommends that a Home Evaluation to be conducted **prior to transfer of the youth to the receiving state**. In some instances, the youth may already be in the receiving state, or was already a resident of the receiving state when s/he committed the offense in the sending state. ICJ requires states to make all **reasonable efforts** to have the **Home Evaluation Report completed within 45 calendar days of the referral** by the sending state. The Home Evaluation will:

- Ensure the appropriateness of the requested placement
- Assess the ability of the parent or guardian to supervise the youth in the home
- Assess the attitude of the parent or guardian at the proposed placement regarding the youth's situation
- Determine the availability of necessary community resources in the area

## *Family Service Worker (FSW) Responsibility*

- A home visit is required to complete the home evaluation with the parents, relative or legal guardian to obtain the information for the report. A visit is required even if placement will be with the custodial parent(s).
- Review of the Referral Packet
- Complete and sign any additional needed documents

## *Factors to Consider*

- Youth's offense history
- If a sex offender, whether there is a victim or a potential victim in the home
  - If juvenile is a sex offender, the receiving state will ensure compliance with local policies or laws prior to issuing reporting instructions. If the proposed residence is unsuitable, the receiving state may deny acceptance. In the home evaluation report, note if there are local ordinances restricting residence.
  - Advise of any sex offender registry requirements.
- Availability of appropriate mental health services, etc., in the area and how they will be accessed
- Accessibility to schools, employment, etc.;
- Approvals or Denials need to be documented with valid reasoning to sustain the recommendation. (Please note that legal guardians cannot be denied as a placement option).

## *Submission to the TN ICJ Office*

The FSW submits the Home Evaluation Report (**Form VIII**) and supporting documentation electronically to the ICJ Office within thirty (30) calendar days after initial request. The Deputy Compact Administrator or TN ICJ Commissioner will approve or reject the request and notify the other state. Supervision may be denied when the home evaluation reveals that the proposed placement 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. Supervision cannot be denied based solely on the juvenile's age or the offense.

## *Supervision Requirements*

- Interstate Commission Rules require that **out-of-state youth** supervised under ICJ in Tennessee **receive the same supervision and services as Tennessee youth.**

- TN does not charge supervision fees. **If**, there are any special services that a juvenile may need please contact the TN ICJ office for guidance.

## *Quarterly Progress Reports*

The FSW must complete a quarterly progress report on **Form IX** every 90 days. Additional reports may be sent on **Form IX** when concerns arise regarding the juvenile or if there is a change in the juvenile's placement. The FSW will be notified by the TN ICJ office of when a progress report is due.

- **Scan** the quarterly report to [Cathlyn.Samuel@tn.gov](mailto:Cathlyn.Samuel@tn.gov) for dissemination to ICJ staff.
- **For Violations**, clearly describe the recommended action and attach supporting documentation/reports (urinalysis reports, police reports, petitions, criminal complaints, etc.). Clearly state the description of charges. If the matter requires immediate attention, please contact the TN ICJ office as soon as possible.

## *Termination of/or Discharge from Supervision*

**Legal Authority- Only the sending state has the legal authority to terminate supervision.**

Tennessee **cannot** discharge/close case an ICJ youth from supervision until it receives permission from the sending state.

## *DCS Recommendation*

1. If the out-of-state youth has complied with all the terms of supervision, the FSW may recommend to the sending state that they authorize a release from supervision.
  - Early Discharge
    - DCS Family Service Worker (FSW) may recommend early discharge by completing and sending a **progress report (Form IX)** to the TN ICJ Office detailing the youth's compliance with his or her conditions of supervision along with a recommendation for early discharge.
  - Expiration of Supervision Order
    - DCS Family Service Worker (FSW) will complete a **progress report (Form IX)** and send to the ICJ Office **at least thirty (30) days prior to the supervision expiration date** including an inquiry to the sending state as to whether the DCS Family Service Worker (FSW) may discontinue supervision of the youth upon expiration of the order.
  - Once the Tennessee ICJ office obtains a response TN ICJ will notify DCS Family Service Worker (FSW) of the appropriate action to discharge or continue supervision.

2. When a juvenile is convicted of a crime and sentences under the jurisdiction of the adult court in the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the ICJ case once it has notified the sending state, in writing, and provided the sending state with a copy of the adult court order.

## ***Required Documents for Referral packet***

1. **A cover letter must be written and must include:**

- a) The need for out-of-state placement
- b) Information about the prospective placement including:
  - Whether the youth's parent or legal guardian resides in the receiving state.
  - Whether the placement in the home of the youth's parent or legal guardian is appropriate.
  - Whether the youth wishes to receive post-secondary education in the receiving state
  - Any mental health needs.

2. **ICJ Form IV**, Probation and Parole Investigation Request

3. **ICJ Form IA/VI**, for probation case the judge needs to sign this form.

4. **Order**

5. **Petition (s)**

6. **Rules of Probation** \* If this is a Parole (Aftercare) case you will not need the Rules of Aftercare until the juvenile is released from custody to Aftercare

- **Anticipated date for release from supervision**

7. **Family Functional Assessment (FFA)**

8. **School & Medical/Immunization Records**

9. **Any other pertinent documents** (i.e.: Legal guardianship papers, Power of Attorney, etc.)

### **Probation Case:**

1. **Cover Letter**

2. **ICJ Form IV** (Parole or Probation Investigation Request)

3. **ICJ Form IA/VI** (Application for Services & Waiver)

4. **ICJ Form VII** (Out of State Travel Permit & Agreement to Return)

5. **Petition(s)**

6. **Order**

7. **Rules of Probation** \* If this is a Parole (Aftercare) case you will not need the Rules of Aftercare until the juvenile is released from custody to Aftercare



- **Anticipated date for release from supervision**
8. **FFA**
  9. **School & Medical/Immunization Records**
  10. **Any other pertinent documents** (i.e.: Legal guardianship papers, Power of Attorney, etc.)

**Parole (Aftercare) Cases:**

1. **Cover Letter**
2. **ICJ Form IV** (Parole or Probation Investigation Request)
3. **ICJ Form IA/VI** (Application for Services & Waiver)
4. **Petition(s)**
5. **Order**
6. **FFA**
7. **School & Medical/Immunization Records**
8. **Any other pertinent documents** (i.e.: Legal guardianship papers, Power of Attorney, etc.)

IF the Parole (Aftercare) case home is approved, and if the juvenile resides in that state the following needs to be sent:

9. **Release to Home Placement**
10. **Release/Discharge Summary**
11. **ICJ Form V** (Report of Sending State upon Parolee /Probationer being sent to the Receiving State)
12. **Rules of Aftercare**
13. **Any other pertinent documents** (CANS, Other assessments) and reporting instructions to follow, sex offender registry information if applicable.

**NOTE:** *After the referral packets is reviewed by the TN ICJ office and no other information is needed the packet will be sent to the ICJ office in the receiving state.*

## ***Procedures - Eligibility***

States must not permit the transfer of supervision of a juvenile eligible for transfer except as provided by the compact and these rules. A sending state must request transfer of a juvenile who is eligible for transfer of supervision to a receiving state under the compact. A juvenile is eligible for transfer under ICJ if all the following conditions are met:

1. The juvenile is classified as a juvenile in the sending state;
2. The juvenile is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state;
3. The juvenile is under the jurisdiction of a court or appropriate authority in the sending state;
4. The juvenile has a plan inclusive of relocating to another state for a period exceeding 90 consecutive days in any 12-month period;

5. The juvenile has more than 90 days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
6. The juvenile resides with a parent, legal guardian, relative, non-relative, or independently, excluding residential facilities; or is a full time student at a secondary school, accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.

## ***Travel Permits***

Travel permits must not be used to circumvent the ICJ and must not be issued for relocation purposes.

1. A travel permit is mandatory for a juvenile traveling out-of-state for a period **in excess of 24 consecutive hours**, and whose committed offense (or for which the adjudicated offense or case circumstances) includes any of the following:
  - a) Sex-related offenses;
  - b) Violent offenses that have resulted in personal injury or death;
  - c) Offenses committed with a weapon;
  - d) State commitment;
  - e) Testing placement and who is subject to the terms of the ICJ;
  - f) Returning to the state from which he/she was transferred for the purposes of visitation;
  - g) Transferring to a subsequent state(s) with the approval of the initial sending state; and
  - h) Transferring to a state in which the victim notification laws, policies, and practices of the sending and/or receiving state require such notification.
2. A travel permit may be used as a notification of a juvenile traveling to an out-of-state private residential treatment facility, and who is under the terms or conditions of probation or parole.
3. The permit **must not** exceed 90 calendar days. If for the purposes of testing placement, a referral packet is to be received by the receiving state's ICJ office within 30 calendar days of the effective date of the travel permit. The issuing state must ensure the juvenile has been instructed to immediately report any change in status during that period. If the travel permit **exceeds 30 calendar days**, the sending state must provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel is approved at the discretion of the supervising person, with the exception of when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ office must forward the travel permit via email, as appropriate, to the state in which visit or transfer of supervision occurs. The authorized travel permit must be provided and received **prior to the juvenile's movement**. Upon receipt of the travel permit, the receiving state must process and/or disseminate appropriate information in accordance with established law, policy, practice, or procedure in the receiving state.

5. If a travel permit is being 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 must collaborate to comply with the legal requirements of victim notification and to ensure that necessary information is exchanged to meet the sending state's obligation.

## **Runaways**

### **Notification of Escapees, Absconders and Runaways**

Please contact the TN ICJ Office as soon as you are notified that a juvenile is being considered a runaway. Tennessee ICJ needs the following information:

- Full Name of juvenile, Date of Birth
- Where is the juvenile? (Telephone number and name of contact person/holding facility)
- Will the child return voluntarily? (If so, a **Form III-Consent for Voluntary Return of Out-of-State Juvenile** hearing must be conducted and the Form III signed by the juvenile)
- Are charges pending? If so, they must be disposed of **before** release and return of the juvenile can be arranged.
- Include warrants, police reports and NCIC Data if available.
- How soon can the juvenile be released?
- Method of transportation
- Physical description of the juvenile (include tattoos, scars, identifying marks & clothing/shoe description)

### **Procedures for Return of Tennessee Escapees, Absconders and Runaways**

Notify the TN ICJ office immediately or the next working day of the escapee or the absconder. In the case of runaways, notification is needed when there are court charges in the holding state, the runaway refuses to return, or assistance is needed. The TN ICJ will coordinate the return arrangement with the holding state and Department staff for all committed delinquents, and may assist with the return of runaways when needed.

*Voluntary return:* This is arranged after all the forms are filled out and the juvenile has been informed of his/her rights in court.

*Involuntary return:* If the escapee or absconder refuses to return voluntarily the holding state may request that a Requisition for Escapee or Absconder (Form II). Upon receipt of the Requisition in the holding state, the court shall issue an order to take the juvenile into custody. The juvenile will be presented to the juvenile court in the holding state and if the judge finds the requisition is in order, the juvenile may then be returned to the demanding state. Travel arrangements are processed by the ICJ offices of each state.

*Involuntary return of a runaway:* The holding state may request that a Request for a Runaway Juvenile (ICJ Form I) be filed. The Judge in the holding state's juvenile court may hold a hearing to determine whether the petitioner is entitled to legal custody and whether or not it is in the best interest of the juvenile to

return to his/her home state. If the judge determines that the juvenile should be returned, all forms are completed and the juvenile is taken into custody and then is brought before the judge who will inform him/her of the demand for his/her return. If the judge agrees then the juvenile will be returned to the demanding state. Upon notice of the juvenile's release, the ICJ offices will coordinate the travel arrangements.

## State Sex Offender Matrix

The ICJ State Sex Offender Matrix provides a brief overview of each state's registration requirements and timelines, public notification, risk assessment, residency, and electronic monitoring requirements regarding juvenile sex offenders.

For more detailed information pertaining to the Juvenile Sex Offender laws in each state, follow this link for the complete [\*Juvenile Sex Offender Matrix\*](#).

Link: <http://juvenilecompact.org/Resources/SexOffenderMatrix.aspx>

## *ICJ Age Matrix as of 2014 Link:*

<http://juvenilecompact.org/Portals/5/library/surveys/Age%20Matrix.pdf>

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# Glossary

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

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

**Aftercare (temporary community placement)** - a condition in which a juvenile who has been committed in the sending state who is residing and being supervised in the community (for purposes of ICJ, see state committed).

**Appropriate authority** - the legally designated person, agency, court or other entity with the power to act, determine, or direct.

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

**Delinquent juvenile** - any juvenile who has been adjudged delinquent and who, at the time the provisions of the ICJ are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

**Detainer** - a document issued or made by a legally empowered officer of a court or other appropriate authority authorizing the proper agency to keep in its custody a person named therein.

**Emancipation** - the legal status in which a minor has achieved independence from parents or legal guardians as determined by the laws of the home state.

**Escapee** - a juvenile who has made an unauthorized flight from a facility or agency's custody to which he/she has been committed by the court.

**Extended jurisdiction juveniles (EJJ)** - a sentencing option that gives the adjudicated youth both a juvenile disposition and a stayed adult sentence.

**Guardian** - one who legally has the care and management of the person, or the estate, or both, of a child during the child's minority or for the purpose and duration expressed in the order of guardianship.

**Guardian ad litem** - a person who is appointed by the court to look after the best interests of the juvenile.

**Hearing** - any proceeding before a judge or other appropriate authority, in which issues of fact or law is to be determined, or 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 having physical custody of a juvenile and where the juvenile is located.

**Home Evaluation/Investigation (form VIII, attached)** - an evaluation and subsequent report of findings to determine if placement in a proposed and specified resource home/place is in the best interest of the juvenile and the community.

**Juvenile** - any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

1. Accused delinquent – a person charged with an offense that, if committed by an adult, would be a criminal offense;
2. Adjudicated delinquent – a person found to have committed an offense that, if committed by an adult, would be a criminal offense;
3. Accused status offender – a person charged with an offense that would not be a criminal offense if committed by an adult;
4. Adjudicated status offender – a person found to have committed an offense that would not be a criminal offense if committed by an adult; and
5. Non-offender – a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

**Legal custodian** - the agency and/or person(s) who has been ordered to or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

**Legal 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.

**Non-delinquent juvenile** - any juvenile who has not been adjudged or adjudicated delinquent.

**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.

**Private provider** - any person or organization contracted by the sending or receiving state to provide supervision and/or services.

**Probation/parole** - any kind of supervision or conditional release of a juvenile authorized under the laws of the compacting states.

**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 90 consecutive days in any 12 months period.

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

**Residence** - the home or regular place of abode as recognized by a state's law that is established by a parent, guardian, person, or agency having legal custody of a juvenile.

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

**Runaway**- a child under the juvenile jurisdictional age limit established by the state, who has run away from his/her place of residence, without the consent of the parent, guardian, person, or agency entitled to his/her legal custody.

**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.

**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.

**Status offense** - conduct which is illegal for juveniles but not illegal for adults, including, but not limited to: incorrigibility, curfew violations, running away, disobeying parents, or truancy.

**Substantial compliance** - a juvenile who is sufficiently in compliance with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings in 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 (form VII, attached)** – written permission granted to a juvenile authorizing the juvenile to temporarily 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.