

# **Guide to the Interstate Compact on Juveniles**

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The Interstate Compact on Juveniles provides the procedural means to effect and regulate the movement of Juvenile across state lines while serving the ends of justice, the welfare of the youth, and the protection of the community.

## **TARGET POPULATION**

Any Juvenile Who:

- Has run away from home without consent of a parent or legal guardian.
- Is placed on probation or parole and desires to reside in the other state.
- Has absconded from probation/parole or escaped institutional care and is located in a party state.
- Requires institutional care and specialized services available in a party state.
- Is charged with being a delinquent by reason of a violation of any criminal act and is located in another state (applies to those states that have adopted the Rendition Amendment).

## **WHY A COMPACT IS NEEDED**

Juveniles in need of court supervision who are placed out of their home states, and runaway youth who run to another state, and those communities involved, need to be assured of the same protection and services that would be provided if they remained in their home states. These juveniles must also be assured of a safe return to their original jurisdictions when this is necessary. Both the great variety of circumstances around the interstate Supervision of juveniles and the return of the runaways and the types of protection offered to them and their communities give compelling reasons for a mechanism which regulates such movement across state lines.

The Interstate Compact - a legal contract among states that enact it - is the available mechanism utilized on an interstate basis by all officials and authorities having the responsibility for the supervision, care, and welfare of youth within our communities.

## **HOW THE COMPACT CAME ABOUT**

As a result of the effect of a series of articles on the plight of runaways in a major magazine, and their own recognition that action was required, various organizations in the early 1950's sought to develop remedial legislation.

Needs were evident for uniform procedures to permit the return of both delinquent and non-delinquent juveniles who ran away to other states and also for a system under which juvenile offenders could be Supervised in other states. Efforts were directed toward formulating an interstate agreement to cover multi-state problems involving juveniles.

The Council of State Governments, with the assistance of many other groups, undertook to draft a compact to meet these needs. Among those organizations which worked with the Council on this ask were the National Probation and Parole Association (now the National Council off Crime and Delinquency), the National Council of Juvenile Court Judges, the American Public Welfare Association, the Association of Attorneys General, and the Adult Parole and probation Compact Administrators Association.

Representatives of these groups, together with representatives of the Interstate Cooperation Commission and other state officials met at a special Interstate Conference held in New York City on January 20-21, 1955, and took final action approving the Interstate Compact on Juveniles. Subsequently, by 1986, all 50 states, the District of Columbia, the Virgin Islands, and Guam had ratified the Compact.

## **WHAT THE COMPACT DOES**

### **Provisions of the Compact:**

The Compact consists of fifteen basic Articles which define the procedures to be utilized when carrying out its purposes and legislative intent. The Compact also provides the framework for supplementary amendments and a constitutional basis for contacts between individual states thus providing maximum flexibility within specific areas.

### **Amendments:**

The amendments described below are effective only between those states which have ratified the specific enabling legislation.

#### **1. Runaway Amendment**

This amendment provides for the return of a child from a party state to the state of residence. The court of the party state shall, within five (5) days, authorize the return of the child to the home state, and to the parent or custodial agent legally authorized to accept custody. Costs of assuming custody shall be at the expense of the state of residence.

#### **2. Out of State Confinement Amendment**

This amendment permits states to make agreements for out of state institutionalization of juveniles who are already out of state, such as parole and probation violators, escapees or absconders.

The articles of the basic compact do provide for out of state institutionalization; however the provisions are limited to those cases in which juveniles are afforded a hearing in the home state prior to transfer.

### **3. Rendition Amendment**

This amendment provides for the movement of juveniles between signatory states to effectuate the return of a juvenile who is charged as a delinquent. The basic compact only authorizes return to a state where the juvenile is on probation or parole.

### **VARIATIONS IN LAWS PERTAINING TO JUVENILES**

Because of variations in laws from state to state a person who is considered a juvenile in one state may not be considered so in another state. The Compact meets this problem by applying the law of the state from which the juvenile originally comes. If the person is a juvenile under the laws of his/her home state, then he/she is considered a juvenile to all member states of the Compact for the purposes of the Compact. (See page 22).

### **ADMINISTERING THE COMPACT**

Under the provisions of the Compact, the Governor in each state designates a Compact Administrator. The Administrator may appoint one or more Deputy Administrators to carry out the duties involved with the administration of the Compact.

The Compact Office is the central clearing point for all requests for transfer of supervision for probation or parole of juveniles moving from one state to another. In most states it also oversees the supervision of probation/parole until the juvenile is discharged or supervision is terminated for some other reason.

Compact Administrators have the authority to promulgate rules and regulations and prepare printed forms needed to implement procedures set forth by the law. Much of this work is accomplished through the Association of Juvenile Compact Administrators, which also acts as a forum for the exchange of views regarding problems and proposals for improvement of Compact operations.

### **PROCEDURES FOR TRANSFER OF SUPERVISION**

At the time it is determined that a delinquent juvenile may be placed from one state to another, a referral is sent to the office of the Compact Administrator.

## **A REFERRAL PACKET SHOULD INCLUDE THE FOLLOWING COMPLETED INFORMATION:**

- Form IV, Probation or Parole Investigation and Supervision Request (See page 14)
- Form V, Report of Sending State upon Parolee or Probationer Being Sent to the Receiving State (See page 15)
- Form IA, Application for Compact Services (See page 13)
- Form VI, Memorandum of Understanding and Waiver (See page 13)
- Cover letter
- Social History
- Petitions, Adjudication order/s, Disposition order/s, Conditions/Rules of Probation or Parole
- Any additional helpful information such as significant psychological reports, medical information, court summaries or group care reports.

The Compact Office reviews the referral material to insure it contains all necessary information and sends it to the receiving state. Upon receipt of the request, the juvenile authorities in the receiving state initiate contact with the proposed placement resource for the juvenile to assess the individual/family's ability to provide the necessary support and supervision. Local community support and resources are also important elements to be considered in the determination of whether or not placement is appropriate.

## **SUPERVISION**

If the placement is found to be suitable, the receiving state then notifies the sending state in writing that the request for placement and supervision has been accepted. (If the placement is not suitable, then the juvenile should not be sent.)

The receiving state must accept a delinquent juvenile if the parent or legal guardian resides in that state. However the sending state should give prior opportunity to make an investigation.

Before going to the receiving state, the juvenile should understand that:

- a. The court in the sending state retains jurisdiction over him/her.
- b. The supervisory authority in the receiving state has the authority to supervise as an agent of the sending court and may set additional expectations.
- c. That he/she may be returned to the sending state for any violation and further disposition made.

There are special situations when it is not always possible to anticipate placement or evaluate a placement prior to the juvenile going to the receiving state. These are:

1. The juvenile is a resident of the receiving state and was placed on probation while temporarily in the sending state.
2. The juvenile absconds to the home of a parent or relative in another state and a decision is made to request an investigation prior to making a decision to return.
3. The juvenile and his/her relatives move to another state without notifying juvenile court personnel in the home state.

There are times that acceptance of supervision is indicated even though the investigation indicates the placement is not suitable. For example, the juvenile is already in placement with the parent, or with relatives and there is no alternative placement in the sending state.

The adjudication of delinquency and the conditions of probation or parole are set by the sending state. However, the day-to-day operational matters may be set by the supervising court personnel in accordance with the standards set for delinquent juveniles in the receiving state. These are established with the juvenile at the time of initial contact. Supervisory progress reports are submitted in writing regularly through the Interstate Compact offices to the court retaining jurisdiction.

Sometimes courts enter orders requiring juveniles to make restitution or pay court costs. In as much as possible, the matter of restitution should be resolved before the juvenile leaves the sending state. It may not be possible for the supervising officer to collect restitution.

## **VIOLATIONS OF CONDITIONS OF PROBATION OR PAROLE**

A juvenile who is charged with violation of parole or probation may be detained pending disposition of charges. A decision is then made whether to allow the juvenile to remain in the current placement, make an alternate placement, or return him/her to the sending state.

After appropriate notification to the respective Compact offices, the receiving state should follow directions specified in the law for interstate probation and parole hearing procedures. If the supervising state finds probable cause that the juvenile has violated the terms of probation or parole, return to the sending state is required. The cost of the return is the responsibility of the sending state.

## **TERMINATION OF SUPERVISION**

The decision to terminate a juvenile's probation or parole is made by the sending state. The juvenile should not be terminated prior to the expiration date specified in the court order without a recommendation of the authorities in the supervising state.

However, when it is felt to be appropriate, a recommendation for termination can be sent to the sending state prior to the expiration date. If the court authorities in the sending state are in agreement, then discharge or termination orders are issued in the sending state.

Copies of the court order are sent through the Compact offices formally notifying everyone involved of the termination.

## **PROCEDURES FOR RETURN OF RUNAWAYS, ESCAPEES, AND ABSCONDERS**

A child is classified as a juvenile according to the laws of his/her home state. If he/she is a juvenile in the home state and is picked up as a runaway in another state, the provisions of the Interstate Compact on Juveniles apply.

Youth eligible for return to the home state:

1. Non-delinquent runaways;
2. Juveniles who have escaped from correctional institutions;
3. Delinquent youth who have absconded while on probation or parole.

The Compact Office is the medium of communication for making arrangements to return runaways, escapees, and absconders from one state to another.

Upon receipt of notification that a runaway has been picked up in another state, specified personnel in the Compact Administrator's office in the home state records as much information regarding the situation as possible including the juvenile's date of birth and status, guardian's name and address, reason for running, plans for juvenile upon his or her return, etc.

The Compact Office in the holding state is contacted to find out the following information:

1. If the juvenile is free to return to the home state, or if there are charges against him/her in the other state which will delay return;
2. Will juvenile sign Consent for Voluntary Return-Form III? (See Article VI. Also see page 21.)
3. Are there problems to indicate an escort is needed?
4. If the child is not willing to return voluntarily, what are the reasons? Has neglect or abuse been alleged by the juvenile?
5. The name and telephone number of the person(s) to contact to relay information and travel plan.
6. Where is the juvenile being held (city and facility) and if air travel is indicated what is the nearest major airport?

Contact is then made through the Compact Office to the responsible agency to relay the above information. A travel plan is decided upon once it has been determined the child is willing to return and the Consent for Voluntary Return is signed.

Sometimes the responsible agency will send for the child and in many non-delinquent cases the parents will make the necessary return arrangements. If no one can go for the child then air travel arrangements are made by most requesting states.

If there are no direct non-stop flights, arrangements may be made for someone to meet the plane at transfer points and assist the runaway in making flight connections. If changes of planes must be made assistance can be obtained through the Compact Office in the state where the change must be made. The collateral assisting at transfer points should have:

1. A complete description of the child to be met.
2. Complete flight information.
3. The name and telephone number of the person to call if there are any changes in the flight schedule for any reason.
4. Child's status (delinquent, non-delinquent etc.) and attitude. (is child a risk?)

Once arrangements have been set and confirmed, all persons who are involved in carrying out the travel plan are notified accordingly. Follow-up services are sometimes recommended to the home state for those juveniles returned with behavior problems, delinquent acts, family relationship difficulties, or because allegations of neglect or abuse have been made.

The informal method of returning runaways is used in the majority of cases and preferred because it is faster. However, if runaways cannot be returned informally, compact requisition forms (see pages 16 through 21) can be completed and forwarded to the Administrator of the Interstate Compact on Juveniles in the state where the juvenile has been found. The requisition forms give authorization for the juvenile to be picked up and detained or placed in shelter care. A court hearing is then held in the asylum state and the judge decides whether the youth should be returned to his/her requesting state. Notification is given to the appropriate authorities as to the outcome of the hearing and transportation arrangements are made.

The Compact specifies that the requesting state is responsible for making all arrangements for travel and for paying all travel costs. Adherence to the Compact assures optimum services with minimum delay for the youth involved.

## **OTHER USES OF THE COMPACT**

Assistance may be obtained through the Compact in locating parents or relatives, which sometimes is necessary in order to obtain information to help juvenile authorities make the best decision in a pending case. When several state agencies are involved with young people, the Compact can provide an avenue of determining the most appropriate agency within a state to approach for services.

## **FORMS**

To assure uniform handling of Compact cases, the Association of Compact Administrators has developed standard forms to be used routinely in implementing Compact services. Each Compact form has a legend indicating the number of copies required and their disposition. Sample forms are included at the end of this section. All forms are to be routed through the Compact office.

### **FORMS INVOLVING TRANSFER OF SUPERVISION - Article VII**

#### **Form IA and VI - Application for Compact Services and Memorandum of Understanding and Waiver**

These forms are signed by the juvenile and his/her parent or guardian and witnessed by the counselor before the juvenile moves to another jurisdiction. However, if the juvenile has moved before the signatures can be obtained, the forms should be forwarded to the Compact Office for the signatures in the receiving state. For probation cases, a judge's signature is needed; in parole cases the appropriate administrator. (See page 13)

#### **Form IV - Placement Investigation and Supervision Request**

This form is the official request for an investigation of the home situation and transfer of supervision. The form is directed to the Compact Office. (See page 14)

#### **Form V - Report of Sending State upon Parolee or Probationer Being Sent to Another State**

This form is the official notification of the placement date, time of arrival, mode of transportation and destination of a juvenile being sent from the sending state. It is usually sent after the receiving state has completed an investigation and agreed to accept supervision. (See page 15).

## **FORMS INVOLVING RUNAWAYS, ESCAPEES, ABSCONDERS**

#### **Form A - Petition for Requisition to Return Runaway Juvenile - Article IV**

This form is used to petition the court exercising juvenile jurisdiction to issue a requisition for the return from another state of a child who is not delinquent. The form is signed by the parent, legal custodian or agency entitled to custody of the child and must be notarized. It must be accompanied by documentation of the petitioner's legal right to custody. The documentation may be in the form of a birth certificate, custody order or other document acceptable to the court as proof of custody. (See pages 16 and 17)

#### **Form I - Requisition for Runaway Juvenile - Article IV**

This form (two sides) is signed by a judge exercising juvenile jurisdiction and is directed to the appropriate authority in the asylum state. It should be authenticated by the court seal. (See pages 17 and 18)

**Form II - Requisition for Escapee or Absconder; or Juvenile Charged with Being a Delinquent (Rendition Amendment) - Article V**

This form (two sides) is used to request the return of a juvenile who is on probation, parole, is committed or is charged with being a delinquent. The form must be accompanied by two certified copies of the court order or petition. (See pages 19 and 20)

**Form III - Consent for Voluntary Return by Runaway, Escapee, or Absconder - Article I**

This form is signed by the juvenile who has run away, escaped or absconded and is willing to return voluntarily to his/her home state. It is signed in the presence of a judge. (See page 21)