

ICJ Procedures

Voluntary Return Procedure - Runaways (Article IV - Form III)

- A. The Interstate Compact office shall begin working on the return of a juvenile to his/her home state upon notification that the juvenile has been detained.

NOTE: Sometimes the juvenile will turn him/herself in to the authorities in order to be returned to their home state.

- B. Before the juvenile can be returned to his/her home state the juvenile must be taken before the juvenile court judge. The judge will advise the juvenile of his/her rights. The judge will appoint legal counsel if appropriate and the juvenile will be given the opportunity to sign a Voluntary Consent to Return (Form III).

This form is signed by both the juvenile and the judge. One copy remains with the juvenile and three (3) copies are sent to the Interstate Compact office. The judge will then order the youth returned (escorted if status or behavior warrants it).

- C. Home state or state of jurisdiction shall be responsible for costs and transportation arrangements (to be made within five (5) working days of notification that Form III has been signed).
- D. The home state is responsible for arranging surveillance and any inconvenient hours shall be borne by the home state.

Runaways Who Do Not Wish To Return Voluntarily (Article IV - Form I)

- A. Juvenile court personnel shall assist the legal guardian/petitioner in completion and filing of Requisition Form 1 with the court.

1. FORM A - Petition for Requisition to Return A Runaway juvenile. (This form may be replaced by any other petition accepted by the juvenile court.) The petition shall be accompanied by certified copy of youth's birth certificate, custody order or other document showing the petitioner's right to juvenile. The petition shall be verified by affidavit.

NOTE: The court may issue petition on its own motion if there is pending court proceeding.

2. FORM 1 - Requisition for Return of Runaway juvenile will be issued by the judge with or without a hearing. The Requisition shall be certified.

3. The Requisition, petition and required documentation are then forwarded, in triplicate, to the Interstate Compact office. (Under extenuating circumstances, the Requisition may be sent directly to the holding court with copies being sent to each compact office.)
 4. The Requisition is reviewed in the Interstate Compact office. If found to be complete and in order, it is forwarded on to the state where the juvenile is being held or believed to have run. (To expedite the process, the Requisition should be sent via overnight mail.)
 5. Upon receipt of a Requisition, a detention order/pickup order is filed. The juvenile is picked up by law enforcement officers and detained.
 6. The court in the holding state shall then have a hearing to determine if the Requisition is in order and whether return to the legal custodian/petitioner is in the best interest of the child.
- B. When a juvenile is apprehended in another state, he/she may be held up to 90 days pending the home state issuing a requisition.
- C. When the Requisition hearing is held and the judge orders juvenile's return, travel arrangements are usually made through the Interstate Compact office. This shall occur within five (5) working days from date of notification that the Requisition has been honored.
- D. The home state is also responsible for arranging surveillance and any inconvenient hours shall be borne by the home state.
- E. Travel expenses are to be paid for by the legal guardian or the state of juvenile's residence.
- F. If the court refuses to honor the Requisition, the responsibility of the agency or court of jurisdiction in the home state is ended unless a decision is made to appeal.

NOTE: Under very rare and special circumstances, some children who have been taken from their home state by unauthorized adults have been returned by use of this article. However, such returns are now usually accomplished under the Uniform Child Custody jurisdiction Act which has now been passed in all 50 states.