

# **Interstate Compact for Juveniles (ICJ)**

# WHAT IS ICJ

- ICJ is an Interstate Compact – ICJ was established to manage the interstate movement of youth under court jurisdiction and for the return of runaways to their home state
- The Governor is the signatory to the compact

# WHAT IS ICJ

- Once a state adopts the compact, it binds all state officials and citizens to comply with the compact.
- Courts and executive agencies of the state must enforce the Compact and its rules by taking all necessary actions to effectuate their purpose.
- Compact law is “special legislation” and supersedes state laws

# WHAT IS ICJ

- Hawaii enacted the compact on June 5, 2009 – HRS 582D
- 50 states in the US and the territories of the United States are eligible to join the compact
- Currently 50 states and the District Of Columbia, and US Virgin Islands are members of the compact

# **RESPONSIBILITIES OF THE HAWAII ICJ OFFICE**

- Judiciary is responsible for the operation of the compact for the SOH
- To ensure compliance with ICJ rules by the State of Hawaii
- To provide guidance and training on ICJ matters to the State of Hawaii
- To oversee/coordinate the return of runaways, escapees and absconders to their home state
- To oversee/coordinate the movement of youth on court jurisdiction, traveling to and from or residing in other states
- All communication between states must be made through the Hawaii ICJ Office

# Understanding ICJ

- 2 parts to the compact
  - Supervision of juveniles under court jurisdiction who are traveling to and from or moving to, another state
  - Return of runaways, escapees, absconders to their home state. ICJ is the only legal process for returning runaways to their home state.

# Supervision of Juveniles Moving to Other States

- ICJ **REQUIRES** states to assist in supervision of or request supervision of juveniles who are moving to another state, who are under juvenile jurisdiction in the sending state
- Can have concurrent placement through ICPC and ICJ

# Return of Runaways, Escapees, Absconders

- ICJ REQUIRES states to return all runaways, escapees, and absconders to their home states
- Non-delinquent runaways may be released to legal guardian except if abuse or neglect is suspected. If abuse or neglect is suspected, must go through ICJ
- If legal guardian is unwilling or unable to pick up the non-delinquent runaway within 24 hours, must go through ICJ

# **Runaways, Escapee's, Absconders**

- All adjudicated juveniles must go through the ICJ process for return
- Runaways who are endangering themselves or others held beyond 24 hours shall be held in secure facilities until returned by the home/demanding state. (OJJDP Exclusion- Juveniles held pursuant to the ICJ are excluded from the deinstitutionalization of status offenders requirements in total)

# Runaways, Escapee's Absconders

- ICJ is the only legal process for returning runaways
- If minor voluntarily agrees to return - 5 business days to return to home state
- If refuse to return – held in secure detention up to 90 days pending requisition process
- If abuse or neglect suspected minor returned to the “appropriate authority” in the home state – SOH - CPS

# PLACEMENT IN RESIDENTIAL TREATMENT FACILITIES

- Placement in out of state residential treatment programs is **NOT** allowed through ICJ
- All ICJ placements in out of state residential treatment programs must be done through ICPC
- Agency responsible for the placement must process request through ICPC
- Minor must have ICJ travel permit

# Discharge Planning

- ICJ Courtesy Supervision may be requested at least 45 days prior to discharge if return to sending state is not the plan for the youth
- PO will make referral to ICJ if youth is eligible for courtesy supervision

# Eligibility Criteria

- Classified as juvenile in the sending state
- Under jurisdiction of a court in the sending state
- Has more than 90 days of supervision remaining
- Will reside with a legal guardian, relative, non-relative, independently, or is a full time student at university, college or specialized training program

# Runaway from Residential Treatment Program

- PO requests ICJ warrant
- ICJ warrants have Nationwide radius vs warrants with statewide radius only
- ICJ warrants are entered into NCIC which is a national wanted persons data system

# ICJ Warrant

- Once apprehended on warrant, State issuing warrant has 2 business days to inform holding state whether intend to have the juvenile returned to the state or released to another state/program/individual

# QUESTIONS

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