



1595 ICJ YOUTH ABSCONDER AND REPORTING NON-COMPLIANCE, FAILED SUPERVISION AND RETAKING

Chapter: Case Management Standards for CP and JJ Field Services	Section: Case Transfers and Interstate Compact
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 17-12 Effective Date: February 2017 Scheduled Review Date:</p>	<p>Approved:  Lorraine Bartlett, DCYF Director</p>
<p>Related Statute(s): <u>RSA 169-A, RSA 169-B, and RSA 169-D</u> Related Admin Rule(s): Related Federal Regulation(s): Interstate Compact for Juveniles Rules: 5-102 and 5-103</p>	<p>Related Form(s): <u>ICJ Form IA/VI, ICJ Form VIII, and ICJ Form IX</u> Bridges' Screen(s) and Attachment(s):</p>

The Division for Children, Youth and Families (DCYF) is committed to professionalism in the delivery of juvenile probation and parole services while recognizing its responsibility to work in cooperation with other compacting states to the Interstate Compact for Juveniles (ICJ). Supervision transfer within the ICJ affords youthful offenders the opportunity to move between states for permanency and other reasons consistent with their successful completion of probation or parole (e.g., family relocation, change of legal custodian or guardian, educational or employment opportunities). Prompt reporting to the sending state of youth absconding, non-compliance and/or other failures to abide by court orders is an essential function of the ICJ.

Purpose

This policy outlines the requirements of the Interstate Compact for Juveniles (ICJ) rules regarding youth absconder and reporting non-compliance, failed placement and retaking. It is used in conjunction with policy [1591 ICJ – General Provisions and Forms](#), and other applicable Interstate Compact for Juveniles policies.

Definitions

“Interstate Compact for Juveniles” or “ICJ” means 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 (see: [Interstate Commission for Juveniles](#)) [2016]. The compact is codified in NH [RSA 169-A](#).

“JJS Staff” means staff employed as a Juvenile Probation and Parole Officer (JPPO), Juvenile Probation and Parole Supervisor (JPPS), or Juvenile Justice Field Administrator.

“New Hampshire Interstate Compact for Juveniles - Deputy Compact Administrator” or “NH ICJ DCA” means the Division employee who has been designated to act as liaison for the Interstate Compact for Juveniles.

“Receiving State” means a state to which a youth is sent for supervision under the provision of the ICJ (see: [Interstate Commission for Juveniles](#)) [2010].

"Sending State" means a state which has sent or is in the process of sending a youth to another state for supervision under the ICJ (see: [Interstate Commission for Juveniles](#)) [2010].

"Supervision" means the oversight exercised by authorities of a sending or receiving state over a youth for a period of time determined by a court or appropriate authority, during which time the youth 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 youth (see: [Interstate Commission for Juveniles](#)) [2010].

Policy

- I. JJS staff shall supervise youth transferred by the Interstate Compact for Juveniles (ICJ) to New Hampshire according to the standards of policy [1594 ICJ – Supervision as the Receiving State](#).
 - A. JJS staff shall follow the ICJ Rules Section I below when investigating youth suspected of absconding from ICJ supervision.
 - B. When applicable to specific case circumstances, JJS staff shall abide by the provisions of policy [1558 Missing Child/Youth](#).
- II. If at any time during supervision a youth is out of compliance with the expectations of the ICJ referral, including absconding from supervision, JJS staff shall notify the NH ICJ DCA or designee directly and by completing and submitting ICJ Form IX "Quarterly Progress, Violation or Absconder Report," which shall contain the information required in ICJ Rules Section II below.
 - A. The ICJ Form IX "Quarterly Progress, Violation, or Absconder Report" must include a signature from the Juvenile Probation and Parole Supervisor.
 - B. JJS staff shall forward the report to the NH ICJ DCA or designee along with [supporting documentation](#) (e.g. police/arrest reports, school attendance/behavior reports, positive drug test/lab results).
 - C. JJS staff shall work in conjunction with the NH ICJ DCA or designee in accordance with the ICJ rules and applicable state laws.
- III. JJS staff shall continue supervision and attempts to locate, if applicable, until notification from the NH ICJ DCA or designee stating supervision is not necessary.

ICJ Rules

- I. (5-102) Absconder under ICJ Supervision:
 - A. If there is reason to believe a juvenile being supervised under the terms of the ICJ in the receiving state has absconded, the receiving state shall attempt to locate the juvenile. Such activities include, but are not limited to (5-102 (1)):
 1. Conducting a field contact at the last known residence;
 2. Contacting the last known school or employer, if applicable; and
 3. Contacting known family members and collateral contacts.

- B. If the juvenile is not located, the receiving state shall submit a violation report to the sending state's ICJ Office, including the following information (5-102 (2)):
 - 1. The juvenile's last known address and telephone number;
 - 2. Date of the juvenile's last personal contact with the supervising agent;
 - 3. Details regarding how the supervising agent determined the juvenile to be an absconder; and
 - 4. Any pending charges in the receiving state.
- C. 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 (5-102 (3)).
- D. 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 (5-102 (4)).

II. (5-103) Reporting Juvenile Non-Compliance, Failed Supervision and Retaking:

- A. 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 ICJ Form IX "Quarterly Progress, Violation or Absconder Report," which shall contain (5-103 (1)):
 - 1. The date of the new citation or technical violation that forms the basis of the violation;
 - 2. Description of the new citation or technical violation;
 - 3. Status and disposition, if any;
 - 4. Supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation;
 - 5. Efforts or interventions made to redirect the behavior;
 - 6. Sanctions if they apply; and
 - 7. The receiving state's recommendations.
- B. The sending state shall respond to a report of a violation made 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 (5-103 (2)).
- C. 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 (5-103 (3)):

1. 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.
 2. The Form IA/VI "Application for Services and Waiver and Memorandum of Understanding and Waiver" has the appropriate signatures; no further court procedures will be required for the juvenile's return.
 3. A duly accredited officer of the sending state may enter the receiving state to 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.
 4. 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 with the approval of both ICJ Offices.
 5. The officer of the sending state shall be permitted to transfer delinquent juveniles being returned through any and all states party to the ICJ, without interference.
- D. Upon request from the receiving state, the sending state's ICJ Office shall facilitate transportation arrangements for the return of the juvenile within five (5) business days in accordance with these rules when (5-103 (4)):
1. A legal guardian remains in the sending state and the supervision in the receiving state fails as evidenced by:
 - (a) 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
 - (b) 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
 - (c) When an immediate, serious threat to the health and safety of the juvenile, and/or others in the residence or community is identified; and
 - (d) The receiving state has documented efforts or interventions to redirect the behavior.
 2. 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 arrangement within five (5) business days or the juvenile shall be returned. This time period may be extended with the approval of both ICJ Offices.
 3. A juvenile student transfer of supervision fails.

Practice Guidance

Can a non-adjudicated juvenile offender, such as a youth subject to a deferred adjudication, whose out-of-state placement under the Interstate Compact for Juveniles (ICJ) has failed, be placed in a secure detention center while awaiting return to the sending state?

- Under the authority of ICJ Rule [5-103(3)(c)]... the Compact and its rules authorize both apprehension and detention of a juvenile, subject to the other relevant provisions of the ICJ rules regarding juvenile detention.

ICJ Rules - 5-103(3)(c)

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