
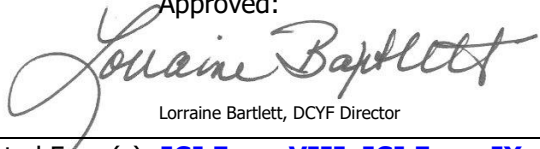


1596 ICJ CASE CLOSURE	
Chapter: Case Management Standards for CP and JJ Field Services	Section: Case Transfers and Interstate Compact
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 17-12 Effective Date: February 2017 Scheduled Review Date:</p>	<p>Approved:</p>  Lorraine Bartlett, DCYF Director
Related Statute(s): RSA 169-A , RSA 169-B , and RSA 169-D Related Admin Rule(s): Related Federal Regulation(s): Interstate Compact for Juvenile Rule 5-104	Related Form(s): ICJ Form VIII , ICJ Form IX , and ICJ Form X Bridges' Screen(s) and Attachment(s):

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). ICJ case closure for youth transferred through the ICJ ensures information sharing between the sending and receiving states and appropriate termination.

Purpose

This policy outlines the requirements of the Interstate Compact for Juveniles (ICJ) rules regarding ICJ case closure. It is used in conjunction with policy [1591 ICJ – General Provisions and Forms](#) and other applicable ICJ 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.

“Probation/Parole” means any kind of supervision or conditional release of youth authorized under the laws of the compacting state (see: [Interstate Commission for Juveniles](#)) [2015].

“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. Only the sending state has the authority to close supervision for an ICJ case unless the following applies:
 - A. A youth is convicted of a crime and sentenced under the jurisdiction of adult court in the receiving state and the sentence is longer than the youth sentence;
 - B. A youth has been accepted for supervision in another state but does not relocate within 90 calendar days and an extension has not been requested; or
 - C. A receiving state has received notification that the sending state has issued a warrant for a youth who has absconded from supervision or if a youth has been on absconder status for ten (10) business days (see policy [1595 ICJ – Youth Absconder and Reporting Non-Compliance, Failed Supervision and Retaking](#)).
- II. A receiving state may submit to the sending state a request for the early discharge/termination of the youth from probation or parole.
 - A. For youth transferred to New Hampshire, JJS staff may recommend early discharge/termination by completing and submitting ICJ Form X “Case Closure” to the NH ICJ DCA or designee.
 1. The NH ICJ DCA or designee shall forward ICJ Form X “Case Closure” to the sending state and forward their decision to the JJS staff.
 2. JJS staff must maintain supervision of the youth until notified by the NH ICJ DCA or designee that the sending state has closed the case.
- III. Any decision to release a youth from probation/parole early shall be made by the appropriate authority in the sending state.
 - A. JJS staff notified of a recommendation for early discharge for a youth whose supervision was transferred to another state shall review the request with their JPPS and if necessary, the NH ICJ DCA or designee.
 1. If in agreement with the recommendation:
 - (a) JJS staff shall file a motion to the court for case closure.
 - (b) If the motion is granted, JJS staff shall provide a copy of the order to the NH ICJ DCA or designee who will forward on to sending state.
 2. If JJS staff disagrees with the recommendation, or if a motion to close submitted pursuant to this provision of the ICJ is denied:

- (a) JJS staff must provide justification for the case to remain open to the NH ICJ DCA or designee within 60 calendar days of the request for early discharge.
- IV. ICJ Cases which close due to expiration of a court order, or upon expiration of the maximum period of parole or probation, may be closed by the receiving state without further action by the sending state.
 - A. At least ten (10) business days before the expiration of the ICJ case, JJS staff shall notify the NH ICJ DCA or designee to request completion of ICJ Form X "Case Closure."
 - B. The NH ICJ DCA or designee shall complete and forward the ICJ Form X "Case Closure" within five (5) business days to the sending state that informs, unless otherwise notified, the case will be closed due to the expiration of the court order on the date specified.
 - V. Sending states shall close an ICJ case when the sole purpose of supervision is collecting restitution and/or court fines.
 - A. JJS staff supervising an ICJ case when the sole purpose of supervision becomes collecting restitution and/or court fines shall notify the NH ICJ DCA or designee to request case closure.

ICJ Rules 5-104 – Case Closures

- I. The sending state has sole authority to discharge/terminate supervision of its juveniles with the exception of (5-104 (1)):
 - A. When a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court of the receiving state and the adult sentence is longer than the juvenile sentence. In such cases, the receiving state may close the supervision and administration of its ICJ case once it has notified the sending state's ICJ Office, in writing, and provided it with a copy of the adult court order (5-104 (1) (a)).
 - B. Cases which terminate due to expiration of a court order or upon expiration of the maximum period of parole or probation may be closed by the receiving state without further action by the sending state. In such cases, the receiving state shall forward a summary report to the sending state, and notify the sending state in writing that, unless otherwise notified, the case will be closed due to the expiration of the court order within five (5) business days (5-104 (1) (b)).
- II. After the receiving state has accepted a probation/parole case for supervision, the juvenile shall relocate within ninety (90) calendar days. If the juvenile does not relocate within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral at a later date (5-104 (2)).
- III. The receiving state may submit to the sending state a request for the early discharge/termination of the juvenile from probation or parole. In such cases, the sending state shall be provided the opportunity to consider the matter, to advise the court of jurisdiction or state agency of the request, and to make known any objection or concern before the case is closed. Any decision to release a juvenile from probation/parole early shall be made by the appropriate authority in the sending state. The sending state will forward a copy of the discharge/termination report or notification to close based on the receiving state's recommendation or, if the request to close has

been denied, provide a written explanation, within sixty (60) calendar days as to why the juvenile cannot be discharged/terminated from probation/parole (5-104 (3)).

- IV. 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 (5-104 (4)).
- V. The sending state shall close the case when the sole purpose of supervision is collecting restitution and/or court fines (5-104 (5)).