



1592 ICJ TRAVEL PERMITS	
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</p> <p>Policy Directive: 17-12</p> <p>Effective Date: February 2017</p> <p>Scheduled Review Date:</p>
<p>Related Statute(s): RSA 169-A, RSA 169-B, RSA 169-D, and RSA 170-H</p> <p>Related Admin Rule(s):</p> <p>Related Federal Regulation(s):</p> <p>Interstate Compact for Juveniles Rule 8-101</p>	<p>Approved: </p> <p style="text-align: right;">Lorraine Bartlett, DCYF Director</p> <p>Related Form(s): ICJ Form VII</p> <p>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 according to the Interstate Compact for Juveniles (ICJ). Supervision of interstate travel of youthful offenders through the ICJ protects the community visited and also clearly defines the responsibilities of the youth and their legal guardian.

Purpose

This policy outlines the requirements of the Interstate Compact for Juveniles (ICJ) rules regarding interstate travel and is used in conjunction with policy 1591 ICJ – General Provisions and Forms and other applicable ICJ policies.

Definitions

"DCYF" or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

"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](#)) [2010]. 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.

"JPPS" means a Juvenile Probation and Parole Supervisor employed by DCYF.

"Juvenile Sex Offender" means a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state (see: [Interstate Commission for Juveniles](#)) [2011].

"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 juveniles authorized under the laws of the compacting states (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].

“Travel Permit” means written permission granted to a youth authorizing travel from one state to another (see: [Interstate Commission for Juveniles](#)) [2016].

Policy

- I. ICJ Travel Permit Rules only apply to travel between the 50 states and the U.S. Virgin Islands.
- II. JJS staff must inform youth and their parent/guardian of mandatory ICJ travel permit requirements pursuant to the provisions of this policy after one of the following:
 - A. The youth is adjudicated pursuant to a delinquency offense [RSA 169-B](#);
 - B. The youth is adjudicated pursuant to a Child In Need of Services, [RSA 169-D](#), except for youth adjudicated solely for truancy;
 - C. The youth is administratively released pursuant to [RSA 170-H:5](#); or
 - D. The youth is paroled pursuant to [RSA 170-H:6](#).
- III. All approved travel permits must be submitted to the NH ICJ DCA or designee **prior** to a youth’s travel.
- IV. ICJ Form VII “Out-of-State Travel Permit and Agreement to Return” is **mandatory** for the following youth traveling out-of-state for a period in excess of twenty-four (24) consecutive hours (8-101 (1)):
 - A. Youth who have been adjudicated for any (8-101 (1) (a)):
 1. Sex-related offense;
 - (a) Specific provisions of the ICJ apply to travel permit requirements for youth adjudicated for sex or sexual-related offenses who are transferred to another compacting state without the receiving state’s approval. Staff must refer to and comply with the applicable provisions of [policy 1593 “ICJ Transfer of Supervision.”](#)
 2. Violent offenses that have resulted in personal injury or death; and
 3. Offenses committed with a weapon.
 - B. Youth who are (8-101 (b)):
 1. Committed to the Sununu Youth Services Center (SYSC);

2. Relocating pending a request for transfer of supervision and who are subject to the terms of the ICJ;
 3. Returning to the state from which they were transferred for the purposes of visitation;
 4. Transferring to subsequent state(s) with the approval of the original sending state; and
 5. Transferred when the victim notification laws, policies, and practices of the sending and/or receiving state require notification.
- V. Youth placed in secure detention, shelter care facility, or other DCYF approved facility pending disposition may be authorized for out-of-state travel based on case-specific circumstances which must be approved by the NH ICJ DCA or designee.
- VI. Youth placed in out-of-state treatment facilities shall be excluded from travel permit requirements; however, states may elect to use ICJ Form VII "Out-of-State Travel Permit and Agreement to Return" for notification purposes. JJS Staff should check with the NH ICJ DCA or designee with case specific questions (8-101 (2)).
- VII. Travel permits shall not exceed 90 calendar days.
- A. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within 30 calendar days of the effective date of the travel permit (see [policy 1593 "ICJ – Transfer of Supervision"](#) for additional information). The issuing state shall instruct the youth to immediately report any change in status during that period.
 - B. When a travel permit exceeds 30 calendar days, the sending state shall provide specific instructions for the youth to maintain contact with his/her supervising agency (8-101 (3)).
- VIII. Out-of-state travel for youth supervised under ICJ supervision is at the discretion of the supervising person in the receiving state unless the sending state retains authority.
- A. JJS staff must notify the receiving state in writing, if they decide to retain authority to approve travel for youth referred to another compacting state through the ICJ. Following which, all further interstate travel must be approved by the assigned JJS staff.
 - B. Sending state authorities retaining authority to approve travel permits for youth transferred to New Hampshire must notify New Hampshire in writing. JJS staff must obtain the sending states approval prior to authorizing the youth's travel (8-101 (4)).
- IX. If ICJ Form VII "Out-of-State Travel Permit and Agreement to Return" is issued, the NH ICJ DCA or designee, or assigned JJS staff, is responsible for victim notification in accordance with the laws, policies and practices of New Hampshire.
- A. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information (8-101 (5)).

- B. For additional information about Victim Notification, refer to [policy 1591 "ICJ – General Provisions and Forms."](#)

Procedures for ICJ Form VII Out-of-State Travel Permit and Agreement to Return

- I. Travel permit requests will be considered based on the following criteria:
 - A. The level of the youth's compliance with terms of release or parole including: offense history, any history of absconding or escape, failure to report as directed by JJS staff or ordered by the court, and level of compliance with previous travel permits;
 - B. The level of parental/guardian cooperation and supervision according to the applicable provisions of RSA 169-B:2-a or RSA 169-D:1 II;
 - C. The appropriateness of the proposed travel plan including: purpose for visit, destination, means of travel, and adult supervision; and
 - D. The length of time between the request and proposed travel date. If there is insufficient time for the NH ICJ DCA or designee to provide 48 hours' notice to the receiving state, the travel permit request shall include justification for an emergency request.
- II. For travel permit requests that are denied, JJS staff shall explain the reasons to the youth and parent/guardian and discuss corrective measures as applicable.
- III. For travel permit requests approved, JJS staff shall:
 - A. Type or legibly complete ICJ Form VII "Out-of-State Travel Permit and Agreement to Return" using unaltered and current forms;
 - 1. Forms must be completed in their entirety including the youth's signature; and
 - 2. Use plain language and avoid the use of acronyms and terms specific to New Hampshire to ensure the intended reader (the receiving state) can understand the information contained therein. Sections in the travel permit where this applies include:
 - (a) Offense - Descriptive titles for the offense(s) should be used in lieu of RSA numbers. Example – use "Simple Assault" instead of "RSA 631:2-a" for a youth adjudicated for simple assault.
 - (b) Legal status - clearly state "**Probation**" or "**Parole,**" no other responses are appropriate.
 - (1) "Probation" for the purposes of the ICJ Travel Permit requirements, includes post-adjudicated, CHINS cases that are not on conditional release.
 - (2) "Parole" for the purposes of the ICJ Travel Permit requirements, includes youth committed or on administrative release.
 - (c) Special Instructions - means any actions the youth is ordered to comply with in general terms. Example – "Comply with rules of probation."

- B. Submit the completed ICJ Form VII "Out-of-State Travel Permit and Agreement to Return" to the NH ICJ DCA or designee by e-mail nh-icj@dhhs.nh.gov or facsimile at least 72 hours prior to the anticipated travel unless approved by the NH ICJ DCA or designee .
- IV. All ICJ Form VII "Out-of-State Travel Permit and Agreement to Return" shall be submitted by the NH ICJ DCA or designee to the receiving state 48 hours prior to the youth's travel.
- V. Travel permits received by the NH ICJ DCA or designee from another compacting states and territory:
- A. In the interest of public safety, the Division recognizes the importance of JJS staff having all available information related to youth from other jurisdictions visiting New Hampshire.
 - B. The NH ICJ DCA or designee shall forward travel permits from another compacting state to the JPPS of the District Office having jurisdiction in the destination of the visit.
 - 1. If the NH ICJ DCA or designee receives a travel permit for youth who are court ordered in the sending state to register as a sex offender then the NH ICJ DCA or designee shall provide reporting instructions to the sending state's ICJ Office for visits lasting longer than five (5) business days.
 - C. The JPPS may advise the local law enforcement agency, either directly or through JJS staff, of the visit and request notification of any official contacts. JJS staff may provide a copy of the travel permit, along with an explanation, to the law enforcement agency.
 - D. The JPPS has the discretion to approve face-to-face or other contact by JJS staff as determined on an individual case basis.
 - E. JJS staff may forward any report(s) received by a law enforcement agency regarding official contacts with a youth while visiting New Hampshire from another compacting state to the NH ICJ DCA or designee who may forward the report(s) to the ICJ Office of the sending state.

ICJ Rules 8-101 – Travel Permits

- I. All travel permits shall be submitted prior to the juveniles travel. Travel permits shall be mandatory for the following juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours (8-101 (1)):
 - A. Juveniles who have been adjudicated for:
 - 1. Sex-related offenses;
 - 2. Violent offenses that have resulted in personal injury or death; or
 - 3. Offenses committed with a weapon;
 - B. Juveniles who are:
 - 1. State committed;

2. Relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 3. Returning to the state from which they were transferred for the purposes of visitation;
 4. Transferring to a subsequent state(s) with the approval of the original sending state; or
 5. Transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.
- II. Juveniles placed in residential facilities shall be excluded from this rule; however, states may elect to use the Form VII Out-of-State Travel Permit and Agreement to Return for notification purposes (8-101 (2)).
- III. The travel permit shall not exceed ninety (90) calendar days. If for the purposes of testing a proposed residence, a referral is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the travel permit. The issuing state shall instruct the juvenile to immediately report any change in status during that period (8-101 (3)).
- A. When a travel permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency (8-101 (3a)).
- IV. Out-of-state travel for a juvenile under Compact supervision is at the discretion of the supervising person in the receiving state.
- A. If the sending state wishes to retain authority to approve travel, it shall do so by notifying the supervising state in writing.
 - B. When the sending state retains authority to approve travel permits, the receiving state shall request and obtain approval prior to authorizing the juvenile's travel (8-101 (4)).
- V. If a Form VII Out-of-State Travel Permit and Agreement to Return is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information (8-101 (5)).

Practice Guidance

Once a juvenile is adjudicated delinquent, can the juvenile be allowed to return to his family in a home state while the sending state makes its request for transfer of supervision?

- Based upon the definition of 'juvenile' as provided in both the ICJ and ICJ Rule 1-101, as well as the requirements of Rule 4-103 (1), once the juvenile in question has been adjudicated delinquent as a sex offender, in the absence of either an approval of a transfer request or reporting instructions, allowing such juvenile to return to the home state violates both the Compact and the foregoing ICJ Rules.

ICJ Rule- 8-101
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