



1594 ICJ SUPERVISION TRANSFER TO NEW HAMPSHIRE	
Chapter: Case Management Standards for CP and JJ Field Services	Section: Case Transfers and Interstate Compact
	New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 17-12 Effective Date: February 2017 Scheduled Review Date:
Related Statute(s): RSA 169-A , RSA 169-B , RSA 169-D , and RSA 193:12 Related Admin Rule(s): Related Federal Regulation(s): Interstate Compact for Juveniles Rule 5-101	Approved:  Lorraine Bartlett, DCYF Director Related Form(s): ICJ Form IA/VI , ICJ Form IV , ICJ Form V , ICJ Form VIII , and ICJ Form IX 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 ICJ. Supervision transfer within the Interstate Compact for Juveniles (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).

Purpose

This policy outlines the requirements to meet the ICJ rules regarding the transfer of supervision of youthful offenders to New Hampshire from other compacting states. It is used in conjunction with policy [1591 ICJ – General Provisions and Forms](#) and other applicable ICJ policies.

Definitions

“Home Evaluation” means evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the juvenile and the community (see: [Interstate Commission for Juveniles](#)) [2016].

“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.

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

“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. The NH ICJ DCA or designee shall forward ICJ referrals received from other compacting states to the JPPS or designee of the District Office covering the address of the proposed residence.
 - A. The JPPS or designee shall review the referral packet with the assigned JJS staff.
- II. Within 30 calendar days of the JPPS or designee receiving the ICJ referral, the assigned JJS staff shall complete an investigation of the home where the youth resides or will reside in New Hampshire, and document the findings and make their recommendation for supervision on the ICJ Form VIII “Home Evaluation Report.”
 - A. JJS staff shall submit the ICJ Form VIII “Home Evaluation Report” to the NH ICJ DCA or designee.
 - B. The ICJ Form VIII “Home Evaluation Report” must include recommendations for acceptance or denial of the supervision request:
 1. Acceptance or denial of the supervision transfer request shall address the following:
 - (a) The ability of the youth to enroll in school (see RSA 193:12 regarding residency requirements);
 - (b) The ability of the youth to obtain medical treatment (including parental consent and payment of treatment expenses);
 - (c) The description of the home and neighborhood where the youth will be residing (physical description, criminal/gang activity, etc.);
 - (d) The family status (composition, interactions, at-risk family members, attitude, support capabilities, etc.);
 - (e) The family employment/financial resources (if proposed placement resource works, who will supervise the youth);
 - (f) The legal history of the family (current charges, probation or parole status);

- (g) The proposed plan (school/employment, court-ordered conditions, treatment needs); and
 - (h) Any applicable child care requirements (including licensure) for the non-custodial caregiver pursuant to RSA 170-E and applicable federal laws and regulations.
 - 2. If the youth resides or will reside in New Hampshire with his or her parent, guardian, or person entitled to legal custody, absent extenuating circumstances, the NH ICJ DCA or designee shall agree to accept the supervision transfer; or
 - 3. If the youth resides or will reside with a person who is not his or her parent, guardian or person entitled to legal custody; the NH ICJ DCA or designee in their discretion, may accept or deny the supervision transfer request.
- III. Upon the youth's arrival in New Hampshire, the completion of the ICJ Form VIII "Home Evaluation Report" recommending placement, and acceptance by the NH ICJ DCA or designee of the requested supervision transfer, JJS staff shall immediately provide supervision governed by the same standards that prevail as if the youth was adjudicated in New Hampshire according to ICJ Rule 5-101 below.
- IV. ICJ Form IX "Quarterly Progress, Violation or Absconder Report," with supporting documentation attached, shall be submitted by JJS staff to the NH ICJ DCA or designee every three (3) months unless more frequent reports are required due to the following circumstances:
- 1. In response to a request from the sending state;
 - 2. The youth has violated the terms and conditions of probation or parole by:
 - (a) Arrests or citations for violating any law; or
 - (b) Behavior that poses an immediate or significant threat to the safety of the community or the youth;
 - 3. The JJS staff is recommending early discharge from supervision; or
 - 4. A change of placement or residence, or other changes have occurred or are recommended by the JJS staff.

ICJ Rules 5-101 – Supervision/Services Requirements
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- I. After accepting supervision, the receiving state will assume the duties of supervision over any juvenile, and in exercise of those duties will be governed by the same standards of supervision that prevails for its own juveniles released on probation or parole (5-101 (1)).
- II. At the time of acceptance or during the term of supervision, the supervising authority in the receiving state may impose conditions on a juvenile transferred under the Interstate Compact if that condition would have been imposed on a juvenile adjudicated in the receiving state. Any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state (5-101 (2)).

- III. Both the sending state and receiving states shall have the authority to enforce terms of probation/parole, which may include the imposition of detention time in the receiving state. Any costs incurred from any enforcement sanctions shall be the responsibility of the state seeking to impose such sanctions (5-101 (3)).
- IV. The receiving state shall furnish written progress reports to the sending state on no less than a quarterly basis. Additional reports shall be sent in cases where there are concerns regarding the juvenile or there has been a change in residence (5-101 (4)).
- V. Neither sending states nor receiving states shall impose a supervision fee on any juvenile who is supervised under the provisions of the ICJ (5-101 (5)).
- VI. The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or other payor. The initial referral from the sending state shall clearly state who will be responsible for purchasing treatment services (5-101 (6)).
- VII. The age of majority and duration of supervision are determined by the sending state. Where circumstances require the receiving court to detain any juvenile under the ICJ, the type of secure facility shall be determined by the laws regarding the age of majority in the receiving state (5-101 (7)).
- VIII. Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the juvenile to make regular payments in accordance with the court order from the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state (5-101 (8)).
- IX. Supervision for the sole purpose of collecting restitution and/or court fines is not a permissible reason to continue or extend supervision of a case. The receiving state may initiate the case closure request once all other terms of supervision have been met (5-101 (9)).

Practice Guidance

For purposes of detention and return of a person serving a juvenile probation or parole sentence who absconds or flees to avoid prosecution (youth with a warrant from another state) and who has the status of an adult in the home/demanding state (in this case Michigan), but is still classified as a juvenile in the holding state (in this case Ohio), must the holding state treat that person as an adult or does the law of the holding state regarding the age of majority apply?

- Based upon the provisions of the ICJ, and ICJ Rule 4-104-6, if the youth in question is serving a juvenile probation or parole sentence and absconds or flees to avoid prosecution (youth with a warrant from another state), Rule 4-106-6 creates an exception whereby the receiving state law regarding the age of majority applies to incarceration of juveniles, where "a receiving state court is required to detain any juvenile under the ICJ." Under this rule, even though such an individual is already classified as an adult in the State of Michigan, based on this rule, if detained and returned pursuant to the ICJ, such youth may be treated as a "juvenile."

ICJ Rule- 5-101(7)

Opinion #: [3-2012](#)

Date Issued: 08/23/2012

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
Opinion #: [4-2012](#)
Date Issued: 07/26/2012

Under ICJ Rule 5-101, does the phrase "same standards . . . that prevail for its own juveniles . . ." allow the receiving state, under this Rule to impose graduated sanctions?

- Rule [5-101] in relevant part provides: "Each receiving state will assume the duties of visitation and supervision over any delinquent juvenile, including juvenile sex offenders who it has accepted for cooperative supervision and in exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own juveniles released on probation or parole."
- It is clear that because the ICJ rules do not include a special definition of the terms "same standards . . . that prevail for its own juveniles. . ." the ordinary meaning of those terms leads to the inevitable conclusion the supervising State is thus permitted, under Rule 5-101, to impose 'graduated sanctions' upon any juvenile transferred under the compact if such standards are also applied to its own delinquent juveniles.
- JJS staff must remember only those sanctions that are at the discretion of JJS staff are available and that ICJ cases may not be brought to a New Hampshire court unless there are new offenses petitioned to court by a New Hampshire prosecutor.

ICJ Rule- 5-101
Opinion #: [1-2010](#)
Date Issued: 01/25/2010

What signatures are mandatory on the ICJ IA/VI Form?

- Based on the literal language of ICJ Rule 4-102, the sending state is required to obtain the signature of the judge (in probation cases) or Compact official (in parole cases) in order to comply with this rule. The receiving state has no authority to accept or supervise a case until permission is given by the court of jurisdiction (in probation cases) or Compact official (in parole cases) through the signing of the Form IA/VI.

ICJ Rule- 4-102
Opinion #: [2-2015](#)
Date Issued: 08/24/2015

Does a receiving state have to approve 'placement' or 'supervision' in cases where placement may violate court orders?

- Based upon the terms of the Compact, the referenced Compact provisions, ICJ Rules and the legal authorities cited herein, that ICJ Rule 4-104(4) does not authorize a receiving state to violate 'no contact' orders or other court ordered conditions of the adjudicating judge or parole authority in the sending state.

ICJ Rules- 4-104(4), ICJ Article I
Opinion #: [4-2014](#)
Date Issued: 12/11/2014

Does the term 'sanctions' used in Rule 5-101(3) include detention time?

- The term 'sanctions' as used in ICJ Rule 5-101 (3) is sufficiently broad to include detention without the need to explicitly list, in the rule, every possible sanction which might be imposed.

ICJ Rule 5-101(3)

Opinion #: [2-2014](#)

Date Issued: 06/26/2014