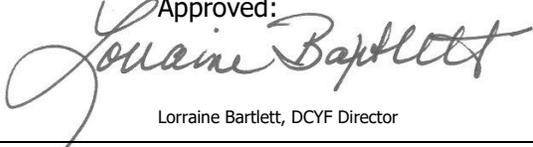


1597 ICJ OTHER PROVISIONS	
Chapter: <b>Case Management Standards for CP and JJ Field Services</b>	Section: <b>Case Transfers and Interstate Compact</b>
 <p>New Hampshire Division for Children, Youth and Families Policy Manual  Policy Directive: <b>17-12</b>  Effective Date: <b>February 2017</b>  Scheduled Review Date:</p>	<p>Approved:</p>  Lorraine Bartlett, DCYF Director
Related Statute(s): <a href="#">RSA 169-A</a> , <a href="#">RSA 169-B</a> , and <a href="#">RSA 169-D</a> Related Admin Rule(s): Related Federal Regulation(s): <b>Interstate Compact for Juveniles Rules: 6-101; 6-102; 6-103; 6-103A; 6-104; 6-105; 7-101; 7-102; 7-103; 7-104; 7-105; 7-106; and 7-107.</b>	Related Form(s): <a href="#">Detention Assessment Screening Instrument &amp; Instructions</a> , <a href="#">ICJ Juvenile Rights Form</a> , <a href="#">ICJ Form A</a> , <a href="#">ICJ Form I</a> , <a href="#">ICJ Form II</a> , and <a href="#">ICJ Form III</a> 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 states according to the Interstate Compact for Juveniles (ICJ). While some provisions of the ICJ are enacted more frequently than others, such as travel permits and the transfer of supervision to other compacting states, some provisions are used less frequently with an enhanced role for the New Hampshire Interstate Compact for Juveniles, Deputy Compact Administrator (NH ICJ DCA).

### Purpose

This policy outlines the requirements to meet the Interstate Compact for Juveniles (ICJ) rules regarding: the release of non-delinquent runaways; voluntary return of runaways, probation/parole absconders, escapees or accused delinquents and accused status offenders; non-voluntary return of runaways and/or accused status offenders; non-voluntary return of escapee, absconder or accused delinquent; ICPC recognition; return of youth when abuse or neglect is reported; financial responsibility; public safety; charges pending in holding/receiving state; warrants; detention and hearing on failure to return; transportation; and airport supervision. This policy 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.

**"Demanding State"** means the state seeking the return of a juvenile with or without delinquency charges (see: [Interstate Commission for Juveniles](#)) [2016].

**"Detention"** means the care of a minor in a physically restricted facility while awaiting further action by a court (see: [RSA 621:3](#)).

**"Holding State"** means the state where a juvenile is located (see: [Interstate Commission for Juveniles](#)) [2016].

**"Home State"** means the state where the legal guardian or custodial agency is located (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.

**"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].

**"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].

**"Risk Assessment Instrument (RAI)" or "Detention Assessment Screening Instrument"** means the screening instrument issued by the New Hampshire Judicial Branch - Circuit Court that screens for the appropriateness of secure detention. It must be completed prior to the detention or use of Juvenile Detention Alternative Initiative (JDAI) services for a youth charged with a delinquent offense.

**"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].

## Policy

- I. The New Hampshire response to the following ICJ rules shall be coordinated by the NH ICJ DCA or designee:
  - A. Release of Non-Delinquent Runaways (6-101);
  - B. Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders (6-102);
  - C. Non-Voluntary Return of Runaways and/or Accused Status Offenders (6-103);
  - D. Non-Voluntary Return of Escapee, Absconder or Accused Delinquent (6-103A);
  - E. ICPC Recognition (6-104);
  - F. Return of Juveniles When Abuse or Neglect is Reported (6-105);
  - G. Financial Responsibility (7-101);
  - H. Public Safety (7-102);

- I. Charges Pending in Holding/Receiving State (7-103);
  - J. Warrants (7-104);
  - K. Detention and Hearing on Failure to Return (7-105);
  - L. Transportation (7-106); and
  - M. Airport Supervision (7-107).
- II. JJS staff shall work in conjunction with the NH ICJ DCA in accordance with the ICJ rules and applicable state laws.
- A. JJS staff appearing in court on ICJ matters shall advise the court of the applicable ICJ provisions as described in this policy and codified in New Hampshire [RSA 169-A](#).
    - 1. When requesting the detention of youth through the ICJ, JJS staff shall cite the provisions of [RSA 169-A](#), not [RSA 169-B](#) due to inapplicability, and advocate for court orders consistent with the provisions of the ICJ as required.
    - 2. The ICJ recognizes that detention may not be an appropriate response in all circumstances. Consideration of a lesser restrictive setting will be made on a case-by-case basis in consultation with all levels of JJS staff, including DCYF Administration, and the NH ICJ DCA or designee (see Practice Guidance below).
- III. Youth detained in New Hampshire according to the provisions of the ICJ must have a valid New Hampshire court order obtained through the provisions of RSA 169-A.

<b>ICJ Rules Section 600 – Voluntary and Non-Voluntary Return of Juveniles/Runaways</b>
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- I. The home/demanding state's ICJ Office shall return all of its juveniles according to one of the following methods:
  - A. (6-101) Release of Non-Delinquent Runaways:
    - 1. Juvenile authorities may release a non-delinquent runaway to his/her legal guardian or custodial agency within the first twenty-four (24) hours (excluding weekends and holidays) of detainment without applying the Interstate Compact, except in cases where the holding authority suspects abuse or neglect in the residence of the legal guardian or custodial agency (6-101 (1)).
    - 2. If a non-delinquent runaway remains in custody beyond twenty-four (24) hours, the holding state's ICJ Office shall be contacted and the Interstate Compact shall be applied (6-101 (2)).
  - B. (6-102) Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents and Accused Status Offenders – Once an out-of-state juvenile is found and detained, the following shall apply:
    - 1. Runaways and accused status offenders who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status

- offenders who are not a danger to themselves or others at a location it deems appropriate (6-102 (1)).
2. Probation/parole absconders, escapees, or accused delinquent juvenile who have an active warrant shall be detained in secure facilities until returned by the home/demanding state. In the absence of an active warrant, the holding state shall have the discretion to hold the juvenile at a location it deems appropriate (6-102 (2)).
  3. The holding state's ICJ Office shall be advised the juvenile is being detained. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics (6-102 (3)).
  4. The home/demanding state's ICJ Office shall immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state (6-102 (4)).
  5. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her due process rights and may use the ICJ Juvenile Rights Form. The court may elect to appoint counsel or a guardian ad litem to represent the juvenile (6-102 (5)).
  6. If in agreement with the voluntary return, the juvenile shall sign Form III "Consent for Voluntary Return of Out-of-State Juveniles" in the presence (physical or electronic) of a judge. The Form III "Consent for Voluntary Return of Out-of-State Juveniles" shall be signed by a judge (6-102 (6)).
  7. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the Form III "Consent for Voluntary Return of Out-of-State Juveniles," provided the waiver is signed by the juvenile and the judge (6-102 (7)).
  8. When consent has been duly executed, it shall be forwarded to and filed with the Compact Administrator or designee, of the holding state. The holding state's ICJ Office shall in turn, forward a copy of the consent to the Compact Administrator or designee of the home/demanding state (6-102 (8)).
  9. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that will ensure the safety of the public and juveniles (6-102 (9)).
  10. Juveniles shall be returned by the home/demanding state in a safe manner and within five (5) business days of receiving a completed Form III "Consent for Voluntary Return of Out-of-State Juveniles" or adult waiver. This time period may be extended up to an additional (5) business days with approval from both ICJ Offices (6-102 (10)).
- C. (6-103) Non-Voluntary Return of Runaways and/or Accused Status Offenders – A requisition applies to all juveniles in custody who refuse to voluntarily return to their home/demanding state or to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.

1. Runaways and accused status offenders in custody who are a danger to themselves or others shall be detained in secure facilities until returned by the home/demanding state. The holding state shall have the discretion to hold runaways and accused status offenders who are not a danger to themselves or others at a location it deems appropriate (6-103 (1)).
2. The home/demanding state's ICJ Office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time (6-103 (2)).
3. When the juvenile is a runaway and/or accused status offender, the legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the juvenile's refusal to voluntarily return (6-103 (3)).
  - (a) The petitioner may use Form A "Petition for Requisition to Return a Runaway Juvenile" or other petition. The petition shall state the juvenile's name and date of birth; the name of the petitioner and the basis of entitlement to the juvenile's custody; the circumstances of his/her running away; his/her location at the time application is made; and other facts showing the juvenile is endangering his/her own welfare, or the welfare of others, and is not an emancipated minor.
    - (1) The petition shall be verified by affidavit;
    - (2) The petition is to be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees; and
    - (3) Other affidavits and other documents may be submitted with such petitions.
  - (b) When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the ICJ Form I "Requisition for Runaway Juvenile."
  - (c) The ICJ Form I "Requisition for Runaway Juvenile" accompanied by the petition supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
4. Upon receipt of the ICJ Form I "Requisition for Runaway Juvenile" the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents (6-103 (4)).
5. The ICJ Office in the holding state will forward the Form I "Requisition for Runaway Juvenile" to the appropriate court and request that a hearing be held within thirty

- (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile to be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices (6-103 (5)).
6. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or guardian ad litem. The purpose of said hearing is to determine proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial (6-103 (6)).
  7. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office (6-103 (7)).
  8. Juveniles held in detention, pending non-voluntary return to the home/demanding state, may be held for a maximum of ninety (90) calendar days (6-103 (8)).
  9. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices (6-103 (9)).
  10. The duly accredited officers of any compacting state, upon establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to the ICJ, without interference (6-103 (10)).
  11. If the legal guardian or custodial agency in the home/demanding state is unable or refuses to initiate the requisition process on a runaway, then the home/demanding state's appropriate authority shall initiate the requisition process on behalf of the juvenile (6-103 (11)).
- D. (6-103A) Non-Voluntary Return of Escapee, Absconder or Accused Delinquent - A requisition applies to all juveniles in custody who refuse to voluntarily return to their home/demanding state or to request a juvenile whose whereabouts are known, but not in custody be picked up and detained pending return.
1. Probation/parole escapees, absconders, or accused delinquents who have been taken into custody on a warrant shall be detained in secure facilities until returned by the home/demanding state (6-103A (1)).
  2. The home/demanding state's ICJ Office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time (6-103A (2)).
  3. The demanding state shall present to the court or appropriate authority a Form II "Requisition for Escapee, Absconder, or Accused Delinquent," requesting the juvenile's return. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of the notification of the juvenile's refusal to voluntarily return (6-103A (3)).

- (a) This requisition shall be verified by affidavit, unless a judge is the requisitioner, and shall be accompanied by supporting document(s) of entitlement to the juvenile. Examples may include:
    - (1) Judgment;
    - (2) Order of Adjudication;
    - (3) Petition Alleging Delinquency; or
    - (4) Other affidavits and documents may be submitted with such requisition.
  - (b) When it is determined that the juvenile should be returned, the judge or appropriate authority in the demanding state shall sign the Form II "Requisition for Escapee, Absconder, or Accused Delinquent."
  - (c) The Form II "Requisition for Escapee, Absconder, or Accused Delinquent" accompanied by supporting documentation shall be forwarded to the demanding state's ICJ Office.
4. Upon receipt of the Form II "Requisition for Escapee, Absconder, or Accused Delinquent," the demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents (6-103A (4)).
  5. The ICJ Office in the state where the juvenile is located will forward the Form II "Requisition for Escapee, Absconder, or Accused Delinquent" to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. This time period may be extended with the approval of both ICJ Offices (6-103A (5)).
  6. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or guardian ad litem. The purpose of said hearing is to determine proof of entitlement for the return of the juvenile. If proof of entitlement is not established, the judge shall issue written findings detailing the reason(s) for denial (6-103A (6)).
  7. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the demanding state's ICJ Office (6-103A (7)).
  8. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days (6-103A (8)).
  9. Requisitioned juveniles shall be accompanied in their return to the demanding state unless both ICJ Offices determine otherwise. Juveniles shall be returned by the demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended by both ICJ Offices (6-103A (9)).

10. The duly accredited officers of any compacting state, upon establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to the ICJ, without interference (6-103A (10)).
- E. (6-104) Interstate Compact on the Placement of Children (ICPC) Recognition:
1. The ICJ recognizes the authority of the Interstate Compact on the Placement of Children (ICPC) under Article V of the ICPC and supports their authority to return ICPC youth who have runaway from their out-of-state placement resulting in a demand for their return by the sending state.
  2. In the event a juvenile is held at a secure facility beyond twenty-four (24) hours (excluding weekends and holidays), the appropriate provisions of the ICJ rules shall apply.
- F. (6-105) Return of Juveniles When Abuse or Neglect is Reported:
1. When a holding state has reason to suspect abuse or neglect by a person in the home/demanding state, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of competent jurisdiction in the home/demanding state to effect the return of the juvenile (6-105 (1)).
  2. Allegations of abuse or neglect do not alleviate a state's responsibility to return a juvenile within the time frames in accordance with the ICJ rule (6-105 (2)).
  3. States shall follow its procedures for reporting and investigating allegations of abuse or neglect of juveniles (6-105 (3)).

<b>ICJ Rules Section 700 – Additional Return Requirements for Sections 500 and 600</b>
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- I. (7-101) Financial Responsibility:
- A. The home/demanding/sending state shall be responsible for the costs of transportation, for making transportation arrangements, and for the return of juveniles within five (5) business days of being notified by the holding state's ICJ Office that the juveniles' due process rights have been met. This time period may be extended with the approval of both ICJ Offices (7-101 (1)).
  - B. The holding state shall not be reimbursed for detaining juveniles unless the home/demanding/sending state fails to effect the return of its juveniles in accordance with these rules (7-101 (2)).
- II. (7-102) Public Safety:
- A. The home/demanding/sending state's ICJ Office shall determine appropriate measures and arrangements to ensure the safety of the public and of the juveniles being transported based on the holding and home/demanding/sending states' assessments of the juvenile, including but not limited to, the juvenile's psychological and medical condition and needs (7-102 (1)).

- B. If the home/demanding/sending state's ICJ Office determines that a juvenile is considered a risk to harm him/herself or others, the juvenile shall be accompanied on the return to the home/demanding/sending state (7-102 (2)).
- III. (7-103) Charges Pending in Holding/Receiving State:
- A. Juveniles shall be returned only with the consent of the holding/receiving states or after charges are resolved when pending charges exist in the holding/receiving states.
- IV. (7-104) Warrants:
- A. All warrants issued for juveniles under ICJ jurisdiction shall be entered into the National Crime Information Center (NCIC) with a nationwide pickup radius with no bond amount set (7-104 (1)).
  - B. Holding states shall honor all lawful warrants as entered by other states, and within the next business day notify the ICJ Office in the home/demanding/sending state that the juvenile has been placed in custody pursuant to the warrant. Upon notification, the home/demanding/ sending state shall issue a detainer or provide a copy of the warrant to the holding state (7-104 (2)).
  - C. Within two (2) business days of notification, the home/demanding/sending state shall inform the holding state whether the home/demanding/sending state intends to have the juvenile returned (7-104 (3)).
  - D. The holding states shall not release the juvenile in custody on bond (7-104 (4)).
- V. (7-105) Detention and Hearing on Failure to Return:
- A. Where circumstances require the holding/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 holding/receiving state (7-105 (1)).
  - B. If a home/demanding/sending state is required to return a juvenile and fails to do so within ten (10) business days in accordance with these rules, a judicial hearing shall be provided in the holding state to hear the grounds for the juvenile's detention. This hearing shall determine whether the grounds submitted justify the continued detention of the juvenile subject to the provisions of the ICJ rules. A juvenile may be discharged from detention to a legal guardian or his/her designee if the holding/receiving state's court determines that further detention is not appropriate (7-105 (2)).
- VI. (7-106) Transportation:
- A. Holding/receiving states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home/demanding/sending state and maintaining security of the juveniles until departure (7-106 (1)).
  - B. Home/demanding/sending states shall make every effort to accommodate the airport preferences of the holding/receiving state. Additionally, travel plans shall be made with consideration of normal business hours, and exceptions shall be approved by the holding/receiving state (7-106 (2)).

- C. Holding/receiving states shall not return to juveniles any personal belongings which could jeopardize the health, safety, or security of the juveniles or others (examples: weapon, cigarettes, medication, lighters, change of clothes or cell phone) (7-106 (3)).
  - D. Holding/receiving states shall confiscate all questionable personal belongings and return these belongings to the legal guardians by approved carrier, COD, or at the expense of the home/demanding/sending state (e.g., United States Postal Service, United Parcel Service, or Federal Express) (7-106 (4)).
  - E. In cases where a juvenile is being transported by a commercial airline carrier, the holding/receiving state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport (7-106 (5)).
  - F. The home/demanding/sending state shall not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult (7-106 (6)).
- VII. (7-107) Airport Supervision:
- A. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports en route to the home/demanding/sending state (7-107 (1)).
  - B. Juveniles shall be supervised from arrival to departure (7-107(2)).
  - C. Home/demanding/sending states shall give the states providing the airport supervision a minimum of forty-eight (48) hours advanced notices (7-107 (3)).
  - D. ICJ member states shall provide necessary services and assistance in the event of an emergency situation (including but not limited to weather, delayed flight, or missed flight), that interrupts or changes established travel plans during a return transport, including temporary detention or appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed (7-107 (4)).

**Practice Guidance**

**How do we determine if a lesser restrictive setting, other than detention, is the proper placement of a non-delinquent runaway from another state while awaiting return to their home state through the ICJ?**

- The goal of detention through the ICJ is to ensure the safe return of the youth/child to their demanding state. DCYF anticipates most youth referred to detention through the ICJ will be lawfully detained for their own and the communities safety as well as other factors such as: the youth is not known to DCYF, the youth does not have resources to remain in New Hampshire, and detention ensures the youth will be present when the proper authorities of the requesting state escort the youth back. DCYF anticipates non-delinquent, runaway children age 10 or younger, found in New Hampshire and who are not appropriate for detention due to their age may be appropriate for a lesser restrictive setting. Consideration of a request to the court for lesser restrictive setting in these cases will be made on a case-by-case basis in conjunction with all levels of JJS staff, including DCYF Administration, and the NH ICJ DCA or designee.

**Is a Detention Assessment Screening Instrument completed when requesting detention according to the provisions of the Interstate Compact for Juveniles/RSA 169-A?**

- The answer is not clearly defined for several reasons. The Casey Foundation's work on the Juvenile Detention Alternatives has not issued statements pertaining to the use of detention for ICJ matters. Also, according to the instructions to the Detention Assessment Screening instrument, "Any time the police or other authorities are seeking a secure out-of-home placement for a youth involved in a delinquency offense, a Detention Assessment Screening Instrument must be filled out by custodial authorities. Usually this will be the arresting officer or a juvenile officer." However; there are two important considerations:
  - 1) JJS staff are advocating for detention for the lawful return an out-of-state youth according to the provisions of the ICJ and not to "secure out-of-home placement;" and
  - 2) A judge may request any documentation they determine they need to make an informed decision.
- JJS staff should be prepared to offer a JDAI screening instrument and ask for an override to comply with the provisions of the ICJ, as applicable. JJS staff should cite the provisions of RSA-169-A in the appropriate section(s) of the JDAI screening instrument.

**If a juvenile is arrested on a new offense in a state other than the juvenile's home state, could the holding state's detention center bill the juvenile's family with detention fees while the new charge is going through the court process? At what point would the hold on the new charge end, and the ICJ hold begin? Would it be the responsibility of the holding state to notify the home state of when the new charges were settled and the ICJ process had begun? Could a holding state ever bill the home state for the cost of detention fees? Some states statutorily are not allowed to pay for detention time in another state.**

- In sum, while the Commission appears to have the statutory authority under Article I of the Compact to include supervision fees as part of those costs, ICJ Rule 4-104 (4)\* clearly reflects that the Commission has not seen fit to do so. Because the current ICJ Rules appear to preclude detention fees, other related questions concerning imposition of such fees upon a juvenile are moot. Although ICJ Rule 4-104 (4) only deals with imposition of supervision fees upon 'a juvenile,' statutory prohibitions against such fees caution against attempting to impose such a fee upon the home state in the absence of further research into the nature and extent of such prohibitions and the number of states in which they exist.

ICJ Rules- None cited.  
Opinion #: [2-2012](#)  
Date Issued: 04/10/2012