DEPARTMENT OF CORRECTIONS

Policy Number:	**206.021**
Title:	**Interstate Compact – Juvenile Community Supervision**
Effective Date:	**12/5/23**

PURPOSE: To provide procedures for ensuring compliance with Interstate Compact rules for juveniles.

APPLICABILITY: Employees of the Minnesota Department of Corrections (DOC), contracting counties and county agents who are responsible for the supervision of juvenile residents; juveniles, those adjudicated of status offenses, and extended jurisdiction juveniles (EJJ) who are currently on probation or parole, or who are preparing for parole and are requesting to be transferred to or from the State of Minnesota (MN); and juveniles who have run away, escaped, or absconded to or from Minnesota.

DEFINITIONS:

Absconded – when a juvenile probationer or parolee hides, conceals, or absents themself with the intent to avoid legal process or authorized control.

Adjudicated – a judicial finding that a juvenile has committed a status offense or delinquency.

Appropriate authority – the legally designated person, agency, court or other entity with the power to act, determine, or direct.

Commitment – an order by a court ordering the care, custody, and treatment of a juvenile to an agency, private institution, or state institution maintained for such purpose.

Escapee – a juvenile who has made an unauthorized flight from in custody status or from a facility to which the juvenile has been committed by a lawful authority.

Extended jurisdiction juveniles (EJJ) – a sentencing option that gives the adjudicated youth both a juvenile disposition and a stayed adult sentence.

Home Evaluation (form VIII) – an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interests of the juvenile and the community.

Jurisdiction – the authority a court has to preside over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.

Juvenile – any person defined as a juvenile in any member state or by the rules of the Interstate Commission.

Juvenile adjudicated for a sex offense – 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 such in the sending or receiving state.

Legal Guardian – a parent or other person who is legally responsible for the care and management of the juvenile.

Probation/parole – any kind of supervision or conditional release of a juvenile authorized under the laws of the compacting states.

Receiving state – a state to which a juvenile is sent for supervision under provisions of the Interstate Commission for Juveniles (ICJ).

Relocate – when a juvenile remains in another state for more than 90 consecutive days in any 12-month period.

Runaway – when a person within the juvenile jurisdictional age limit established by the home state (1) has voluntarily left their residence without permission of their legal guardian or custodial agency or (2) refuses to return to their residence as directed by their legal guardian or custodial agency, but who may or may not have been adjudicated.

Sending state – a state which has sent, or is in the process of sending, a juvenile to another state for supervision under the provisions of the ICJ.

Substantial compliance – a situation in which a juvenile is sufficiently in compliance with the terms and conditions of the juvenile's supervision so as not to result in initiation of revocation of supervision proceedings in the sending or receiving state.

Supervision – the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile 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 juvenile.

Travel Permit (form VII) – written permission granted to a juvenile authorizing the travel from one state to another.

Warrant – an order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.

PROCEDURES:

A. All Community Corrections Act (CCA) counties, state agents, county agents, and DOC staff must follow the procedures for the Interstate Commission for Juveniles (ICJ) as outlined in this policy.

1. Any correspondence submitted in compliance with this policy must be completed in the Uniform Nationwide Interstate Tracking for Youth (UNITY) system along with a notification e-mail being sent to the Minnesota interstate compact unit (MN ICU). The notification e-mail must contain the juvenile's name, UNITY number, and the document to be processed.

2. Juveniles adjudicated for delinquency, adjudicated for a status offense, or having a deferred adjudication in the sending state and who are under the jurisdiction of a court or appropriate authority in the sending state, are eligible for supervision and services under the ICJ and must be approved under the ICJ to relocate to another state. An individual's status as a juvenile depends on the law in the sending state and supervision must be provided by the appropriate juvenile authority in the receiving state.

3. Juveniles adjudicated for a sex offense who are required to transfer supervision to another state must not depart Minnesota prior to an approved interstate transfer through the MN ICU.

4. If the Minnesota agent determines it is necessary to place the juvenile adjudicated for a sex offense out of state with a legal guardian and there is no legal guardian in the sending state, prior to the acceptance of supervision, the agent must contact the MN ICU. The MN ICU must determine if the circumstances of the juvenile's immediate transfer justify the use of a travel permit, including consideration of the appropriateness of the residence. If approved by the MN ICU unit, further instructions are provided for the procedures which must be initiated by the Minnesota agent/caseworker.

5. All juveniles currently on probation, parole, or extended jurisdiction juvenile (EJJ) status, who wish to come to Minnesota to reside in the community, must do so in accordance with the ICJ.

6. Requests for juveniles adjudicated for an offense to be placed in a private residential placement must be processed according to the Interstate Compact for the Placement of Children (ICPC), administered through the Minnesota Department of Human Services.

B. Eligibility

States must not permit the transfer of supervision of a juvenile eligible for transfer except as provided by the compact and these rules. A sending state must request transfer of a juvenile who is eligible for transfer of supervision to a receiving state under the compact. A juvenile is eligible for transfer under ICJ if all the following conditions are met:

1. The juvenile is classified as a juvenile in the sending state;

2. The juvenile is adjudicated for delinquency, is adjudicated for a status offense, or has a deferred adjudication in the sending state;

3. The juvenile is under the jurisdiction of a court or appropriate authority in the sending state;

4. The juvenile has a plan inclusive of relocating to another state for a period exceeding 90 consecutive days in any 12-month period;

5. The juvenile has more than 90 days or an indefinite period of supervision remaining at the time the sending state's agent submits the transfer request;

6. The juvenile will reside with a legal guardian, relative, non-relative, or independently, excluding residential facilities; or is a full-time student at a secondary school, accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment; and

7. Supervision is not for the sole purpose of collecting restitution and/or court fines, as that is not a permissible reason to open an interstate case.

C. Request for interstate transfer

1. Juvenile status

a) Juveniles currently in a Minnesota juvenile facility or in the community under parole supervision in Minnesota (parole juveniles must not leave Minnesota and transfer to the receiving state prior to acceptance by the receiving state):

(1) 60 days prior to the anticipated arrival in the receiving state, the caseworker/transferring agent must prepare a transfer packet in UNITY and notify MN ICU via e-mail when complete.

(2) If there is a reason to believe the juvenile should be allowed to leave on a travel permit prior to an approved transfer, the caseworker or transferring agent must contact the MN ICU office before issuing a travel permit.

b) Juveniles currently in the community under probation supervision who wish to transfer to another state:

(1) 60 to 90 days prior to the anticipated arrival in the receiving state, the transferring agent must prepare a transfer packet in UNITY and notify ICU via e-mail when complete. The e-mail must include the notification of a complete transfer packet in UNITY, the juvenile's name, and the UNITY number.

(2) In cases when the juvenile has been allowed to proceed on a travel permit (form VII) to the receiving state for the purposes of testing a proposed residence, the packet must be completed, and the ICU notified within 20 calendar days of the effective date of the travel permit.

D. If the juvenile is in the receiving state at the time of the investigation and the transfer is denied, the Minnesota agent/caseworker must make transportation arrangements for the return of the juvenile within five business days.

E. Providing supervision

1. Supervision must not be provided without written approval from the MN ICJ office and a properly-signed Application for Services and Waiver (form VI). The sending state's agent must maintain responsibility until supervision is accepted by Minnesota and the juvenile has arrived. Only the MN ICU authorizes or denies supervision of an incoming juvenile transfer after considering the recommendation by the investigating officer. An authorized signature by MN ICU staff is required on a Home Evaluation (form VIII) to accept/deny supervision transfer.

2. The appropriate authority in Minnesota provides supervision for all juveniles transferred via the ICJ. Supervision cannot be denied based solely on the juvenile's age at the time of the offense.

3. Supervision may be denied when the home evaluation reveals that the proposed residence is unsuitable, or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state. An exception may be made when a juvenile has no legal guardian remaining in the sending state and the juvenile does have a legal guardian residing in the receiving state.

4. When conducting a home evaluation for a juvenile adjudicated for a sex offense, the Minnesota agent must ensure compliance with local policies or laws.

5. The receiving state's agent must assume the duties of visitation and supervision over any juvenile, including juveniles adjudicated for a sex offense. The exercise of those duties must be governed by the same standards of visitation and supervision that prevails for the receiving state's own juveniles released on probation or parole.

6. At the time of acceptance or during the term of supervision, the receiving state's agent may impose conditions on a juvenile transferred under the ICJ if those conditions would have been imposed on a juvenile in the receiving state. Any costs incurred from any conditions imposed by the receiving state are not the responsibility of the sending state.

7. Both the sending and receiving states' agents 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 are the responsibility of the state seeking to impose such sanctions.

8. Neither the sending state nor receiving state may impose a supervision fee on any juvenile who is supervised under the provision of the ICJ.

9. The age of majority and duration of supervision must be determined by the sending state. When circumstances require the receiving state's agent to detain any juvenile under the ICJ, the type of incarceration must be determined by the laws regarding the age of majority in the receiving state.

10. The sending state must be financially responsible for treatment services ordered by the appropriate authority in the sending state when the services are not available through the supervising agency in the receiving state or may not be obtained through Medicaid, private insurance, or another payor. The initial referral must clearly state who is responsible for purchasing treatment services.

11. The juvenile/juvenile's family must directly pay juvenile restitution payments or court fines to the adjudicating court or agency in the sending state. The receiving state's agent must encourage the juvenile to make regular payments in accordance with the court order of the sending state. The sending state's agent must provide the specific payment schedule and payee information to the receiving state. 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's agent may initiate the case closure request once all other terms of supervision have been met.

12. Juveniles adjudicated for a sex offense must abide by the registration laws in the receiving state, (e.g., felony or sex offense registration, notification, or DNA testing). A juvenile adjudicated for a sex offense, who fails to register when required, is subject to the registration laws of the receiving state.

F. Progress reports

The receiving state's agent must complete a Quarterly Progress, Violation or Absconder Report (form IX) in UNITY every 90 days. The agent must send additional reports when concerns arise regarding the juvenile or when a residence has changed.

G. Juveniles who are non-compliant, who have failed supervision, or who are absconders, runaways, or escapees, must be returned in accordance with the ICJ rules.

1. At any time during supervision if a juvenile is out of compliance with the conditions of supervision, the receiving state's ICU must notify the sending state's ICU using Form IX.

2. Upon receipt of Form IX, the sending state has 10 business days to respond to the violation.

H. Victim notification

1. Victim notification requirements must be the responsibility of the sending state in accordance with the laws and policies of that state.

2. When the sending state's agent requires the assistance of the agent/caseworker in the receiving state to meet these requirements, the sending officer must clearly document this in the initial packet using the Victim Notification Supplement form. The Victim Notification Supplement form must include specific information regarding what is required and the timeframes for which it must be received.

3. Throughout the duration of the supervision period, the agent/caseworker through the receiving state's ICU office must, to the extent possible, provide the sending state's ICU with the requested information to ensure the sending state remains compliant with the laws and policies of the sending state.

4. The sending state must update the receiving state of any changes to victim notification requirements.

I. Warrants

The appropriate agency in the sending state must enter all warrants issued under ICJ into the National Crime Information Center (NCIC) with a nationwide pickup radius with no bond amount set.

J. Case closures

The sending state's agent/caseworker must follow the rules of the ICJ in closing a case. The originating agent/caseworker must maintain the files of closed cases in accordance with the county's retention policy.

K. Travel permits

Travel permits must not be used to circumvent the ICJ and all travel permits must be submitted prior to the juvenile's travel.

1. A travel permit is mandatory for a juvenile traveling out-of-state for a period in excess of 24 consecutive hours and meeting one of these criteria:
   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; or

   b) Juveniles who are:
      (1) State commitment;
      (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 the juvenile was transferred for the purposes of visitation;

(4) Transferring to a subsequent state(s) with the approval of the initial sending state's agent; or
(5) Transferred and the victim notification laws, policies, and practices of the sending and/or receiving state require notification.

2. A travel permit may be used as a notification regarding a juvenile who is under the terms or conditions of probation or parole and is traveling to an out-of-state private residential treatment facility.

3. The travel permit must not exceed 90 calendar days. If issued for the purposes of testing a proposed residence, a referral must be received by the receiving state's ICJ office within 30 calendar days of the effective date of the travel permit. The issuing state must instruct the juvenile to immediately report any change in status during that period. If the travel permit exceeds 30 calendar days, the sending state must provide specific instructions for the juvenile to maintain contact with the juvenile's supervising agency.

4. Out of state travel for a juvenile under compact supervision is at the discretion of the supervising agent in the receiving state. If the sending state's agent wishes to retain the authority to approve travel, the sending state's agent must provide written notification to the receiving state's agent. When the sending state's agent retains authority to approve travel permits, the supervising agent must request and obtain approval prior to authorizing the juvenile's travel

5. If a travel permit is issued, the sending state's agent must be responsible for victim notification in accordance with the laws, policies, and practices of that state. The agents in both the sending and receiving states must collaborate (to the extent possible) to comply with the legal requirements of victim notification and to ensure that necessary information is exchanged to meet the sending state's obligation.

L. Communication requirement between states.
Communication between the sending and receiving states must occur in accordance with the rules of the ICJ.

1. All communications on ICJ issues between states, whether verbal or written, must be communicated through the ICU.

2. Communication may occur between local jurisdictions with the approval of the ICU. A summary of the communication must be provided to the MN ICU and documented in UNITY.

3. Communication regarding ICJ business must respect the confidentiality rules of the sending and receiving state.

INTERNAL CONTROLS:

A. All juvenile transfer requests, relevant paperwork, and reports are retained and tracked through UNITY.

REFERENCES: Minn. Stat. § 260.515

REPLACES: Policy 206.021, "Interstate Compact – Juvenile Community Supervision," 3/1/20.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Juvenile Manual – Agent Procedures (206.021J)
Juvenile Manual – ICU Procedures (206.021K)

APPROVALS:
Deputy Commissioner, Chief of Staff
Deputy Commissioner, Client Services and Supports
Assistant Commissioner, Agency Services and Supports
Assistant Commissioner, Facilities
Assistant Commissioner, Facilities
Assistant Commissioner, Health, Recovery, and Programming