

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES: KRS Chapter 615</b>
<b>CHAPTER: Interstate Compact for Juveniles</b>		<b>AUTHORITY: KRS 15A.069</b>
<b>SUBJECT: Interstate Referrals</b>		
<b>POLICY NUMBER: DJJ 1201</b>		
<b>TOTAL PAGES: 8</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

All out-of-state placements of probated, paroles, or committed youth that have more than ninety (90) days of supervision remaining shall be referred through the Interstate Compact for Juveniles (ICJ) prior to placement. The sending state shall establish the jurisdictional limits of the duration of supervision for youth placed on probation, parole, or supervised placement. Courtesy supervision shall, at a minimum, be the equivalent of that offered to youths who are residents of the receiving state.

## **II. APPLICABILITY**

This policy shall apply to all youth probated, paroled, or committed to the Kentucky Department of Juvenile Justice (DJJ) who are being considered for out-of-state placement and to all youth who are probated, paroled, or committed in another state and being considered for placement under the supervision of the Department of Juvenile Justice in Kentucky.

## **III. DEFINITIONS**

Refer to Chapter 1200.

## **IV. PROCEDURES**

### **A. Eligibility Requirements for the Transfer of Supervision ICJ Rule 4-101**

1. The Compact Administrator or Compact staff shall process all referrals involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state.
2. No state shall permit a juvenile who is eligible for transfer under this Compact to relocate to another state except as provided by the Compact and these rules. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:

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- a. The juvenile is classified as a juvenile in the sending state;
- b. The juvenile is an adjudicated delinquent, adjudicated status; offender, or has a deferred adjudication in the sending state;
- c. The juvenile is under the jurisdiction of a court or appropriate authority in the sending state;
- d. The juvenile has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and
- e. The juvenile will reside with a legal guardian, relative, non-relative or independently, excluding residential facilities or is a full time student at an accredited secondary school; or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.

#### B. General Referrals

1. Whether acting as a sending or receiving state, DJJ shall use the electronic information system approved by the Commission for e-forms processed through ICJ.
2. All communications between state, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ offices.
3. Communication may only occur between local jurisdictions with the prior approval of the ICJ offices in both states. If approved, those local jurisdictions must provide a summary of communications to the ICJ office and documented in the electronic information system.
4. Communication regarding ICJ business shall respect the confidentiality rules of sending and receiving states.

#### C. Referrals from Other States

1. Upon receipt of a referral from the sending state, the Compact Administrator or Compact staff shall view the materials and, if complete, forward the packet to the Juvenile Services District Supervisor (JSDS) for the proposed county of residence for the youth.
2. The JSDS shall assign the referral to the appropriate Juvenile Service Worker (JSW) for investigation.
3. The JSW shall complete the home evaluation and prepare a written Interstate Home Evaluation Report (ICJ Form VIII) summarizing their findings and recommendations regarding the placement of the youth.
  - a. This report shall be submitted for the review of the JSDS and forwarded to the Compact Administrator or Compact staff within thirty (30) business days following referral.

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- b. Investigations shall be completed and returned to the Compact Administrator or designee by electronic transfer.
  - 4. The receiving state's Compact Administrator's or Compact staff's signature shall be required on or with the (ICJ Form VIII) Home Evaluation that accepts or denies supervision of a juvenile by that state.
  - 5. In conducting home evaluations for a juvenile sexual offender (JSO), the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions.
  - 6. Supervision may only be denied or accepted by the Compact Administrator or Compact staff after considering the recommendation from the JSW or JSDS. Supervision may be denied when the home evaluation reveals that the proposed placement 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, except 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 as referred to in ICJ Rule 4-104(4).
  - 7. Upon receipt of acceptance of supervision from the receiving state, and within five (5) business days prior to the juvenile's departure, if the youth is not already residing in the receiving state, the sending state shall provide reporting instructions to the juvenile, and provide written notification of the juvenile's departure to the receiving state.
  - 8. If the transfer of supervision in the receiving state is denied, the sending state shall make transportation arrangements for the return of its juvenile within five (5) business days.
- D. Referrals from Kentucky
- 1. When initiating a referral to place a youth in another state, the JSW shall complete a written request and forward it to the Kentucky Compact Administrator or Compact staff for the placement investigation. The JSW shall ensure that a complete referral has been forwarded to the Kentucky Compact Administrator or Compact staff with sufficient time for the complete referral to be sent to the receiving state at least forty-five (45) days prior to the juvenile's anticipated arrival. Prior to the juvenile relocating to the receiving state, the Kentucky Compact Administrator or Compact staff shall forward to the receiving state a completed (ICJ Form V) Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State.
  - 2. Youths who are placed in DJJ residential facilities shall be referred by the Superintendent or Compact staff in consultation with the youth's JSW.

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3. The JSW shall provide to the Kentucky Compact Administrator or Compact staff in all referrals for placement the following information:
  - a. A cover letter delineating the reason for the request. The status of the case, any pertinent information that is deemed to be of benefit to the receiving state, including the proposed placement and restitution orders from the court, if any;
  - b. A current legal and social history;
  - c. Risk Assessment;
  - d. Needs Assessment;
  - e. Court documents: petitions, court calendars, police and arrest reports if available, adjudication order, Admission or Confession and Waiver of Formal Adjudication Hearing Form if applicable, commitment or probation orders to include any special orders of the court for example: for community service hours or restitution payments;
  - f. Conditions of probation, parole, or supervised placement signed by the youth and witnessed;
  - g. Additional available information may include: educational, medical, and psychological reports;
  - h. Current Case Plan or Treatment Plan;
  - i. Application for Services and Waiver (ICJ Form 1A-VI) with signature of the judge if the juvenile is probated. If the juvenile is committed, then the Kentucky Compact Administrator or Compact staff can sign this form;
  - j. Probation or Parole Investigation Request (ICJ Form IV);
  - k. Birth certificate and social security card, if available;
  - l. Most recent Juvenile Offender Resource Information (JORI) photo of the juvenile; and
  - m. If the youth is a declared JSO, include a psychosexual assessment and relapse prevention or safety plan, any information pertaining to the criminal behavior, victim information, for example: sex, age, relationship to the juvenile, sending state's current or recommended supervision and treatment plan, and all other pertinent materials if available.
- E. The Compact Administrator or Compact staff shall verify that the referral is complete before forwarding the materials to the proposed receiving state.
- F. Upon receiving a report from the receiving state, the Compact Administrator or Compact staff shall advise the JSW or residential facility.

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- G. The JSW or residential facility shall notify the Compact Administrator or Compact staff in advance of the date of the youth's pending placement and travel plan.
- H. The Compact Administrator or Compact staff shall make the appropriate supervision arrangements with other states and complete the Report of Sending State upon Parolee or Probationer Being Sent to the Receiving State (ICJ Form V).
- I. Cooperative Supervision
1. All referrals for transfer of supervision involving juveniles, for whom services have been requested, provided those juveniles are under juvenile jurisdiction in the sending state, shall be processed pursuant to rules set forth by ICJ and comply with the policies and procedures developed by the state's ICJ office.
  2. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.
  3. The sending state shall forward additional documentation, if available, at the request of the receiving state. The receiving state shall not delay the investigation pending receipt of the additional documentation.
  4. The receiving state shall, within forty-five (45) days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.
  5. When it is necessary for a juvenile to relocate with a legal guardian prior to the acceptance of supervision, and there is no legal guardian in the sending state, the sending state shall determine if the circumstances of the juveniles immediate relocation justify the use of a (ICJ Form VII) Out-of-State Travel Permit and Agreement to Return, including consideration of the appropriateness of the residence. If approved by the sending state's ICJ office, the following shall be initiated:
    - a. The sending state shall provide the receiving state with an approved (ICJ Form VII) Out-of-State Travel Permit and Agreement to Return along with written explanation as to why ICJ procedures for submitting the referral could not be followed.
    - b. If not already submitted, the sending state shall transmit a complete referral to the receiving state within ten (10) business days of the (ICJ Form VII) Out-of-State Travel Permit and Agreement to Return being issued. The receiving state shall make the decision whether it will expedite the referral or process the referral according to ICJ Rule 4-102.

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- c. Within five (5) business days of receipt of the (ICJ Form VII) Out-of-State Travel Permit and Agreement to Return, the receiving state shall advise the sending state of applicable registration requirements or reporting instructions, if any. The sending state shall be responsible for communicating the registration requirements or reporting instructions to the juvenile and the youth's parent or caregiver in a timely manner.
- d. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions issued under ICJ Rule 4-103(3)(c).
6. After accepting supervision, the receiving state shall assume the duties of visitation and supervision over any youth, including JSOs, and in exercise of those duties shall be governed by the same standards of visitation and supervision that prevails for its own youth released on probation or parole. A supervising state shall be permitted to impose graduated sanctions upon any juvenile transferred under the compact if such standards are also applied to its own delinquent juveniles.
7. A request for the transfer of supervision for the sole purpose of collecting restitution or court fines shall not be permitted. Supervision for the sole purpose of collecting restitution 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.
8. At the time of acceptance or during the term of supervision, the appropriate authority in the receiving state may impose conditions on a juvenile transferred under the ICJ if that condition would have been imposed on a juvenile in the receiving state. Any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state.
9. 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.
10. Both the sending and receiving states shall have the authority to enforce terms of probation and 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.
11. The receiving state shall furnish written progress reports to the sending state on a quarterly basis. Additional reports shall be sent in cases where

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there are concerns regarding the youth or there has been a change in placement.

12. The sending state shall be financially responsible for treatment services ordered either by the court or paroling 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 payer. The initial referral shall clearly state who will be responsible for purchasing treatment services.
  13. Restitution payments or court fines from youth shall be paid directly from the youth or youth's family to the adjudicating court or agency in the sending state. Supervising officers in the receiving state shall encourage the youth to make regular payments in accordance with the court order of the sending state. The sending state shall provide the specific payment schedule and payee information to the receiving state.
  14. In conducting home evaluations for a JSO, the receiving state shall ensure compliance with local policies or laws prior to issuing reporting instructions. If 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, the receiving state may deny acceptance, except 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 as referred in ICJ Rule 4-104(4).
  15. JSOs shall abide by the registration laws in the receiving state, for example felony or sex offender registration, notification, or deoxyribonucleic acid (DNA) testing. A JSO who fails to register when required shall be subject to the laws of the receiving state.
- J. Termination of supervision shall be granted only by the sending state. Upon official notification from the Compact Administrator, the Compact portion of the youth's case may be closed. The JSW or JSOS shall not close the Interstate Compact portion of an open case without approval from the Compact Administrator or Compact staff.
- K. Victim Notification
1. Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state.
  2. When the sending state requires the assistance of the supervising person in the receiving state to meet these requirements, the sending officer shall clearly document such in the initial packet using the Victim Notification Supplement Form. The Victim Notification Supplement Form shall include the specific information regarding what will be required and the timeframes for which it must be received.

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3. Throughout the duration of the supervision period, the receiving state shall, to the extent possible, provide the sending state with the requested information to ensure the sending state can remain compliant with the laws and policies of the sending state.
4. It shall be the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

#### **IV. MONITORING MECHANISM**

The Classification Branch Manager, Division Director of Placement Services, the Deputy Commissioner of Program Operations, and the Compact Administrator or Compact staff shall monitor all activities related to the ICJ.