



Successful Youth • Strong Leaders • Safer Communities

POLICY

SUBJECT: Interstate Compact for Juveniles

NUMBER: CS-112-13

APPLICABLE TO: Interstate Compact, Case Management, and Transportation Employees

APPROVED: _____ /s/ signature on original

Sam Abed, Secretary

EFFECTIVE DATE: _____ 12/3/13

I. POLICY

DJS shall adhere to its obligations under the Interstate Compact for Juveniles (ICJ) and maintain uniform procedures relating to the return of youth who have run away, absconded or escaped from their home state; the request of courtesy supervision of youth to or from out-of-state jurisdictions; and the need for out-of-state residential placement of youth.

Community Service staff shall follow the standard operating procedures for this policy when dealing with a youth who:

- A. has left home and/or the custody of local Department of Social Services to reside in another state without consent of a legal custodian;
- B. is placed on probation or parole/aftercare and desires to reside in another state with a relative or guardian;
- C. has absconded from probation, parole/aftercare or institutional care and is located in a state which is party to the ICJ;
- D. requires institutional care and specialized services available in a state which is party to the ICJ; or
- E. is charged with being a delinquent and resides in another state that has adopted the Rendition Amendment.

The procedures are guided by the ICJ that has been ratified by Maryland and is applicable to states that have adopted the Rendition Amendment. Compliance with the ICJ ensures public safety and that youth are provided with access to needed services.

Each Regional Director shall ensure that these procedures are followed by staff in the Region. The Community Services' Case Management Specialist staff shall initiate the

ICJ process prior to the youth relocating to another state and relocation shall not occur until placement has been approved by the receiving state.

II. AUTHORITY

- A. MD. CODE ANN., HUM. SRVCS., §9-301 to §9-314
- B. Interstate Compact for Juveniles, Interstate Commission for Juveniles at <http://www.juvenilecompact.org/>

III. DIRECTIVES/POLICES RESCINDED

- A. Interstate Courtesy Supervision, 05.16.09

IV. FAILURE TO COMPLY

Failure to comply with a Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard Operating Procedures have been developed.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued to comply with current ICJ regulations.	12/3/13
Revised procedures issued: <ul style="list-style-type: none"> • Added procedures to ensure that 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; • Added procedure that allows the Deputy Compact Administrator or designee to grant permission to close a case if the placement is not made within 90 calendar days; • Added procedures requiring the DJS CMSS/CMS to work with the parent/legal guardian to make transportation arrangements within five (5) business days for the return of the youth when the transfer of supervision in the receiving state is denied; • Added procedure to allow direct communication between states, through the DJS CMSS and Probation Offices Supervisors in neighboring states, with prior written approval by Deputy Compact Administrators or designees in sending and receiving states. • Added procedures to ensure the youth receives an assessment, treatment service planning, and re-assessment as provided by the <i>Case Management Policy & Manual</i> • Added procedure requiring the consent of the Deputy Compact Administrator or designee before the sending state can retake a youth in those cases where the youth is suspected of having committed a criminal offense or an act of youth delinquency in the receiving state • Added procedure requiring the Deputy Compact Administrator or designee to coordinate the response to any notification requirements of the sending state when Maryland is supervising a youth for whom a crime victim requirement has been identified • Added newly revised procedures for Specialized Transports-Airport Escorts (Appendix 1) • Added new procedures for closing a case 	9/27/16
Procedures revised upon issuance of new ICJ rules: <ul style="list-style-type: none"> • Added new definition for Deferred Adjudication • Added requirement that the Regional ICJ Coordinator or designee may request case information for a youth who crosses state lines to determine if the youth may be subject to the ICJ • Changed procedure requiring Judge’s Signature on all cases - now Judge’s signature required on all Probation case forms prior to submission and the Deputy Compact Administrator’s signature on all Aftercare case forms • Added requirement that the CMS shall send a copy of the court order terminating the case and the completed ICJ Form to close the case to their CMSS who shall approve the closure and send the court order and the completed form to ICJ • Added procedure allowing the receiving state to discharge/terminate supervision of youth if the youth has been admitted to a residential facility for more than 90 calendar days 	4/18/18

PROCEDURES

SUBJECT: Interstate Compact for Juveniles

NUMBER: CS-112-13

APPLICABLE TO: Interstate Compact, Case Management, and Transportation Employees

APPROVED: _____ /s/ signature on original
Scott Beal, Executive Director for Community Services

REVISION DATE: _____ 4/18/18

I. PURPOSE

These standard operating procedures provide uniform guidelines for the return of youth who have run away, absconded or escaped from their home state; for the request of courtesy supervision of youth to or from out-of-state jurisdictions; and the out-of-state residential placement of youth.

II. DEFINITIONS

Aftercare - individualized services provided to a youth who is discharged from a residential program.

Custodial Agency – the agency that has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a youth.

Deferred Adjudication – a decision made by a court that withholds or defers formal judgement and stipulates terms and/or conditions of supervision.

Demanding State - the state that is seeking the return of a youth with or without delinquency charges.

Deputy Compact Administrator – the individual in each compacting state appointed pursuant to the terms of the ICJ who oversees the administration and management of the state’s supervision and transfer of youth subject to the terms of the ICJ, the rules adopted by the Interstate Commission, and policies adopted by the state Council under the ICJ.

Escapee – a youth who has made an unauthorized flight from in custody status or a facility to which he/she has been committed by a lawful authority.

Holding State – the state where youth is physically located.

Home Evaluation – an evaluation and subsequent report finding to determine if supervision in a proposed residence is in the best interest of the youth and the community.

Home State – the state where the legal guardian or custodial agency is located.

Interstate Compact for Juveniles (ICJ) - the joint and cooperative agreement among states to ensure that the adjudicated youth and status offenders subject to the ICJ are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

ICJ Unit - the unit, located at DJS headquarters, responsible for the administration and management of the state's supervision and transfer of youth subject to the terms of the ICJ.

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 youth has been charged.

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

Juvenile Information Data System (JIDS) – the electronic database administered by the national Interstate Commission for Juveniles.

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

National Crime Information Center (NCIC) transmittal – a report generated by law enforcement identifying the existence of a writ or warrant for the youth, who issued the writ/warrant, the state in which the writ/warrant was issued, and the agency responsible for the youth among other information.

Placement – the home or regular place of abode that is established by a parent guardian, or person or agency having legal custody of the youth.

Parole/Aftercare - any kind of supervision or conditional release of youth authorized under the laws of the compacting states.

Receiving State - the state to which a youth is sent for supervision under the provisions of the ICJ.

Regional ICJ Coordinator – the DJS employee in each county appointed to oversee the administration of the ICJ in their county or Region.

Sending State - the state that has sent or is in the process of sending a youth to another state for supervision under the provisions of the ICJ.

Travel Permit - written permission that authorizes to the youth to-travel from one state to another state.

III. PROCEDURES

A. General

1. Designation of Employees to Manage Courtesy Investigation and Courtesy Supervision Cases in each Region.

- a. The Regional Director shall ensure the implementation of the ICJ standard operating procedures by identifying a staff person to serve as the Regional ICJ Coordinator or designee who shall provide administrative management of courtesy investigation or courtesy supervision cases for each new case sent or received.
- b. The Regional Director shall inform the ICJ Unit of any changes to the Regional ICJ Coordinator or designee position in their region.
- c. The Regional ICJ Coordinator or designee shall document receipt of the case in ASSIST and send notification to the ICJ Unit through ASSIST of each assignment.
- d. The Regional ICJ Coordinator or designee shall notify their Regional Director of any issues that may arise concerning the effective and expeditious handling of courtesy investigation and courtesy supervision cases.
- e. The Regional ICJ Coordinator or designee may request case information for a youth who crosses state lines to determine if the youth may be subject to the ICJ.

B. Transfer of Supervision

1. Eligibility Requirements for the Transfer of Supervision

- a. The Maryland (MD) Interstate Compact for Juveniles Office will process all referrals involving youth, for whom services have been requested, provided the identified youth are under Maryland juvenile jurisdiction.
- b. DJS Case Management Specialist Supervisor (CMSS) or Case Management Specialist (CMS) shall not permit a youth who is eligible for transfer under MD ICJ to relocate to another state except as provided by the MD Compact and ICJ Rules. A youth shall be eligible for transfer under ICJ if the following conditions are met:
 - 1) is classified as a youth in Maryland;
 - 2) is an adjudicated delinquent, adjudicated status offender or deferred adjudication, under the jurisdiction;
 - 3) has more than 90 calendar days or an indefinite period of supervision remaining at the time of the request for Out-of-

- State Courtesy Supervision of court or appropriate authority;
- 4) will reside with a legal guardian, relative, non-relative or independently, excluding residential facilities; and
 - 5) is a full time student at an accredited secondary school, or accredited university, college, or licensed specialized training program with the submission of proof of acceptance and enrollment.
- c. A request for the transfer of supervision for the sole purpose of collecting restitution and/or court fines is not permitted.
- 1) Juvenile restitution payments or court fines are to be paid directly by the youth/youth's family to the adjudicating court or agency in the sending state. Supervising case managers 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.
 - 2) 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.
- d. A youth who is not eligible for transfer under ICJ is not subject to these rules.

2. **ICJ Sending for Parole/Aftercare or Probation cases**

- a. The MD CMSS/CMS must maintain responsibility until supervision is accepted by, and the youth has arrived in, the receiving state.
- b. The Regional ICJ Coordinator or designee shall
 - 1) Create the youth's profile page and e-forms with relevant information in Juvenile Information Data System (JIDS);
 - 2) Generate the following ICJ Forms in JIDS:
 - a) **IA/VI –Application for Services and Waiver**
(Note: must obtain Judge's Signature on all Probation case forms prior to submission; must obtain the Deputy Compact Administrator's signature on all Aftercare case forms);
 - b) **V- Reporting Instruction Form;**
 - c) **IV – Parole and Probation Investigation Request;** and
 - d) **VII- Out of state Travel Permit.**
 - 3) Forward copies of the completed forms to DJS CMSS/CMS for Judge and youth signatures; and

- 4) Scan copies of completed forms to Deputy Compact Administrator or designee for processing.
- c. The CMS or CMSS shall complete the ICJ packet 60 calendar days prior to the youth's anticipated arrival in another state and include a copy of
 - 1) the following completed ICJ Forms through DJS Intranet or JIDS:
 - a) **IA/VI –Application for Services and Waiver**
(Note: must obtain Judge's Signature on this form prior to submission);
 - b) **V- Reporting Instruction Form;**
 - c) **IV – Parole and Probation Investigation Request**
 - 2) the adjudication order, disposition order;
 - 3) the probation order with conditions;
 - 4) the petition and arrest report;
 - 5) the Social and Legal History reports from ASSIST based on information available at the time of the request for transfer;
 - 6) the instructions for the payment of restitution for each youth who owes restitution *(Note: A request for supervision for the sole purposes of collecting restitution is prohibited);*
 - 7) the completed ICJ Victim Notification Supplement form when a Maryland Crime Victim's Notification form is in the youth's active case file; and
 - 8) all other pertinent information (*e.g.*, evaluations) that is less than 12 months old and any available information requested by receiving state
- d. The CMS shall send the completed ICJ packet within 5 business days to the CMSS for approval.
- e. The CMSS shall review and send the approved, completed ICJ packet to the Regional ICJ Coordinator or designee.
- f. The Deputy Compact Administrator or designee shall:
 - 1) process the case within 5 business days of receipt; and
 - 2) route the approved case to the receiving state through JIDS.
- g. The receiving state ICJ Office has 5 business days to send the packet to the local jurisdiction where the youth will reside.
- h. The receiving state local juvenile justice office shall complete the ICJ Home Evaluation Report within 30 calendar days and forward it to the Deputy Compact Administrator or designee. If the CMS cannot locate or make contact with the youth within 30 calendar days,
 - 1) the CMS shall send written documentation to their CMSS and the Regional ICJ Coordinator or designee of their efforts to contact the youth and their recommendation to not supervise the youth;

- 2) the Regional ICJ Coordinator or designee shall enter the information into the Home Evaluation Report on JIDS, print out the completed Home Evaluation Report, have the CMS sign and forward the report to the Deputy Compact Administrator;
 - 3) the Deputy Compact Administrator or designee, upon receipt of a recommendation not to supervise, shall accept and/or deny supervision and notify the Regional ICJ Coordinator or designee of the decision; (supervision may not be denied only if no legal guardian remains in the sending state); if denied, the Deputy Compact Administrator or designee must provide a thorough explanation for the denial and the CMS may appeal the denial to the Executive Director for Community Services); and
 - 4) upon receipt of approval from Deputy Compact Administrator or designee to deny supervision of the youth, the CMS or CMSS may close the case in accordance with the *Case Management Policy and Manual*.
- i. The receiving state's local DJS shall return the completed home evaluation report to the receiving state ICJ office indicating approval or denial of supervision.
 - j. The receiving state's Deputy Compact Administrator or designee has 5 business days to process and forward the approval and/or denial of supervision to the Regional ICJ Coordinator or designee.
 - k. The Deputy Compact Administrator or designee shall forward the complete Home Evaluation report to the Regional ICJ Coordinator or designee.
 - l. The CMSS shall notify the CMS of the results of the Home Evaluation, and
 - 1) if the placement was denied, and the youth has already moved to the other state, the CMS must make arrangement to return the youth in 5 business days, as well notify the court;
 - 2) if the placement is approved, the CMSS/CMS shall proceed with the proposed placement within 90 calendar days; or
 - 3) if the placement is not made within 90 calendar days, the Deputy Compact Administrator or designee shall grant permission to close the IC Receiving Case upon receipt of the **ICJ Form X – Case Closure Notification**. *Note: The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral later.*
 - m. To close a case, the DJS CMS shall send a copy of the court order terminating the case and the completed **ICJ Form X – Case Closure Notification** to their CMSS who shall approve the closure

and send the court order and the completed form to the Deputy Compact Administrator or designee.

3. Emergency Sending

- a. In cases where the CMS has identified a youth who needs to be relocated urgently, the CMS shall contact CMSS who notifies the Deputy Compact Administrator or designee to indicate that an emergency exists; and, explain nature of emergency.
- b. Once the Deputy Compact Administrator or designee determines an emergency exists, the CMS shall complete and submit an ICJ travel permit within 24 hours prior to the move by scanning and sending a copy of the permit to the Deputy Compact Administrator or designee.
- c. Once the Deputy Compact Administrator or designee receives the travel permit, they shall send the travel permit within 5 business days of receipt to the receiving state.
- d. If the youth shall remain in the state for more than 30 calendar days, the CMS shall complete the referral packet within five business days of the emergency placement. The packet shall include:
 - 1) the **ICJ Form IA/VI –Application for Services and Waiver** (*Note: must obtain Judge’s Signature on this form prior to submission*) and the **ICJ Form IV – Parole or Probation Investigation Request** generated through JIDS or found on the DJS intranet;
 - 2) the adjudication order, disposition order;
 - 3) the probation order with conditions;
 - 4) the petition and arrest report;
 - 5) the instructions for the payment of restitution for youth who owe restitution;
 - 6) the completed **ICJ Victim Notification Supplement form** when a Maryland Crime Victim’s Notification form is in the youth’s active case file;
 - 7) the Social and Legal History reports from ASSIST; and
 - 8) all other pertinent information (*e.g.*, evaluations) that is less than 12 months old and any available information requested by receiving state.
- e. If the transfer of supervision in the receiving state is denied, the DJS CMSS/CMS shall work with the parent/legal guardian to make transportation arrangements within five business days for the return of the youth. In cases where a potential flight risk and/or other factors exist, the CMSS/CMS may arrange secure transportation upon receipt of an active warrant or detainer.

4. Transfer of Supervision Procedures for Juvenile Sex Offenders

- a. When transferring a juvenile sex offender, the ICJ sending state shall not transfer the youth to the receiving state until the sending state's request for transfer of supervision has been approved by the receiving state unless immediate placement of youth with a parent or guardian is necessary.
- b. If immediate placement of a juvenile sex offender out-of-state with a custodial parent or legal guardian is necessary prior to the acceptance of supervision:
 - 1) the CMS and CMSS shall review the circumstances of the case to determine if an emergency exists because of, but not limited to, safety, health, housing or employment issues. Upon determining that the circumstances of the youth's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement, the CMS or CMSS shall provide the Deputy Compact Administrator or designee with a completed travel permit and written explanation of why the ICJ procedures for submitting the referral could not be followed within 48 hours; and
 - 2) the Deputy Compact Administrator or designee shall send the travel permit and written explanation to the sending state within 48 hours of being notified of the need for immediate placement.
- c. For all placements of juvenile sex offenders out-of-state, the CMS and CMSS shall submit the ICJ referral packet to the Deputy Compact Administrator or designee within 5 business days of being notified of the need for placement; the referral packet shall include the following information:
 - 1) **ICJ Form IA/VI - Application for Services and Waiver** (*Note: must obtain Judge's Signature on this form prior to submission*);
 - 2) **ICJ IV – Parole and Probation Investigation Request** form;
 - 3) **ICJ V - Reporting Instruction Form**;
 - 4) Order of Adjudication and Disposition;
 - 5) Conditions of Probation;
 - 6) Petition and/or Arrest Report;
 - 7) Risk Assessment;
 - 8) Safety Plan Specific Assessments (if available);
 - 9) Legal and Social History information pertaining to the criminal behavior;
 - 10) Victim Information, i.e., sex, age, relationship to the offender, sending state's current or recommended Supervision and Treatment Plan; and

11) all other pertinent materials.

NOTE: Aftercare conditions shall be forwarded to the receiving state upon the youth's release from an institution.

- d. The Deputy Compact Administrator or designee shall transmit the completed referral packet within 5 business days of receipt to the receiving state. The receiving state shall make the decision whether it will expedite the ICJ referral.
- e. If the receiving state has registration requirements and/or reporting instructions for the youth or his/her family, the CMS shall be notified by the Deputy Compact Administrator or designee. The CMS or CMSS shall notify the youth and his/her family of any registration reporting requirements or reporting instructions in a timely manner. *Note: A youth who fails to register when required will be subject to the laws in the receiving state.*
- f. The CMS or CMSS shall maintain supervision of the youth until notified by the Deputy Compact Administrator or designee that supervision is accepted in the receiving state
- g. If the placement in the receiving state is not made within 90 days, the Deputy Compact Administrator or designee will grant permission to close the IC Receiving Case upon receipt of the **ICJ Form X – Case Closure Notification**. *Note: The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral later.*

5. ICJ Receiving

- a. Within 5 business days of receipt of the referral packet, the ICJ Unit shall
 - 1) export the information from JIDS and review the packet to ensure it is complete;
 - 2) generate an ICJ receiving folder in ASSIST for youth not known to the Department;
 - 3) assign the case to the Regional ICJ Coordinator where the youth will be residing, and
 - 4) route documents to Regional ICJ Coordinator or designee through JIDS within 5 business days.
- b. Within 3 business days of receipt, the Regional ICJ Coordinator or designee shall assign the case to a CMSS.
- c. Within 2 business days of receipt, the CMSS shall assign the case to a CMS.
- d. Within 10 business days, the CMS shall complete an **ICJ Home Evaluation Report Form** to determine whether supervision is recommended or not recommended.
- e. Within 5 business days of receipt of the ICJ Home Evaluation Report Form, the CMSS shall

- 1) review and discuss the recommendation for supervision with the CMS and make the recommendation about the home for placement; and
 - 2) send the recommendation and the completed **ICJ Home Evaluation Report Form** to the Deputy Compact Administrator or designee.
- f. Within 5 business days of receipt, Deputy Compact Administrator or designee shall
- 1) review the Home Evaluation Report;
 - 2) make final decision to accept or deny supervision of the case; and
 - 3) notify the sending state of the decision by uploading scanned documents to JIDS;
- g. If youth is not placed by the receiving state within 90 calendar days of acceptance, the Regional ICJ Coordinator or designee shall notify the Deputy Compact Administrator or designee and close the ICJ receiving case in ASSIST.
- h. Once courtesy supervision of the case is approved, the CMS shall
- 1) ensure the youth receives an assessment, treatment service planning, and re-assessment as provided to Maryland youth in accordance with the *Case Management Policy and Manual*;
 - 2) supervise the case until the term expires or the sending state grants permission for the case to be closed; and
 - 3) submit a quarterly report using the **ICJ Form IX – Quarterly Progress or Violation Report** to the Deputy Compact Administrator and/or designee every 90 calendar days.
- i. If the case has reached the court ordered expiration date and the sending state has been notified upon approval from Deputy Compact Administrator or designee, the CMSS or CMS shall close a case.
- j. After the receiving state has accepted a probation/parole case for supervision, the sending state shall complete placement within 90 calendar days. If the placement is not made in the receiving state within this timeframe, the receiving state may close the case with written notice to the sending state. The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral later.

C. Handling Violations and Absconders

1. Violations
 - a. If the youth is in violation of the conditions of probation, the CMSS or CMS shall

- 1) Complete **ICJ Form IX Quarterly Progress, Violation or Absconder Report**, and submit the completed Report to the Deputy Compact Administrator or designee immediately upon determination of a violation; the Report shall contain:
 - a) the date of the new citation or technical violation that forms the basis of the violation;
 - b) description of the new citation or technical violation;
 - c) status and disposition, if any;
 - d) supporting documentation regarding the violation including but not limited to police reports, drug testing results, or any other document to support the violation;
 - e) efforts or interventions made to redirect the behavior;
 - f) sanctions if they apply; and
 - g) receiving state recommendations.
 - 2) follow the supervision procedures as outlined in the *DJS Community Case Management Policy*.
- b. If the CMSS or CMS are notified by the Deputy Compact Administrator or designee that a warrant has been issued by the sending state for the youth, the CMSS or CMS shall contact local law enforcement, confirm that the warrant has been entered into the NCIC database, and provide a copy of the writ or warrant, if available.
- c. If the **sending state** does not continue supervision in MD following notification of a violation and determines the violation requires retaking or retaking is mandatory,
 - 1) in those cases where the youth is suspected of having committed a criminal offense or an act of delinquency in the receiving state, the Deputy Compact Administrator shall provide consent for retaking, and
 - 2) transportation shall be arranged by the sending state.
- d. The Deputy Compact Administrator or designee shall notify the CMSS within 5 business days of receipt of a response from the sending state of the violation report.
- e. The CMSS shall close the ICJ receiving case only upon being notified by the Deputy Compact Administrator or designee.
2. Absconders
- a. If the CMSS or CMS have reason to believe that youth in the ICJ receiving state has absconded, the CMSS or CMS must attempt to locate the youth by, but not limited to:
 - 1) conducting a field contact at the last known residence;

- 2) contacting the last known school or employer, if applicable; and
- 3) contacting known family members and collateral contacts.
- b. If the CMSS or CMS are notified by the Deputy Compact Administrator or designee that a warrant has been issued by the sending state for the youth, the CMSS or CMS shall contact local law enforcement, confirm that the warrant has been entered into the NCIC database, and provide a copy of the writ or warrant, if available.
- c. If the youth is not located, the CMSS or CMS shall submit an **ICJ Form IX – Quarterly Progress or Violation Report** within 48 hours to the Deputy Compact Administrator or designee and include following information in the report:
 - 1) the youth’s last known address and telephone number;
 - 2) date of the youth’s last personal contact with the CMSS or CMS;
 - 3) details regarding how the DJS determined the youth to be an absconder; and
 - 4) any pending charges in Maryland.
- d. The Deputy Compact Administrator or designee will route the **ICJ Form IX – Quarterly Progress or Violation Report** to the sending state through JIDS within 5 business days.
- e. The Deputy Compact Administrator or designee shall notify the CMSS within 5 business days of receipt of a response from the sending state of the violation report.
- f. The CMSS shall close the ICJ receiving case only upon being notified by the Deputy Compact Administrator or designee.
- g. Once the youth is located or apprehended Deputy Compact Administrator or designee shall notify the CMSS or CMS within 5 business days whether to resume supervision or if the sending state plans to accept supervision.
- h. The Regional ICJ Coordinator/designee or CMSS shall submit an **ICJ Form X – Case Closure Notification** if the respondent fails to return within 10 business days.

D. Return of Runaway Youth Under DJS Supervision (DJS Youth who have run away from home, absconded, or escaped from placement in Maryland to another state)

1. When the CMS, CMSS or Deputy Compact Administrator or designee is notified that a youth under DJS supervision has run away from home, absconded, or escaped from placement in Maryland, the CMS or CMSS shall:
 - a. Request a writ;
 - b. Contact local Law Enforcement to ensure the information is entered into the National Crime Information Center (NCIC) database.

2. When the youth is apprehended, the Deputy Compact Administrator will forward a copy of the active warrant to the holding state within 48 hours.
3. If the youth voluntarily agrees to return to Maryland, the Deputy Compact Administrator or designee:
 - a. will receive a completed **ICJ Form III Consent for Voluntary Return of Out-of-State Juvenile** from the Deputy Compact Administrator or designee in the other state;
 - b. has 5 business days to arrange transportation for the youth to return to Maryland; and
 - c. may grant an extension upon the approval of both states' Deputy Compact Administrators when travel is prohibited (e.g. for inclement weather, court delay, and allegations of abuse in home state.)
4. If the youth does not voluntarily agree to return to Maryland,
 - a. the DJS CMS or CMSS shall submit the following documents to the Deputy Compact Administrator or designee within 30 calendar days of notification of the youth's refusal to return to Maryland;
 - b. if the youth does not have an assigned CMS or CMSS, the Intake Officer in the jurisdiction where the youth resides, shall forward the following to the Deputy Compact Administrator or designee:
 - 1) two copies of the notarized **ICJ Form I – Requisition for a Runaway Juvenile**, when the youth is a runaway, and two copies of the notarized **ICJ Form II – Requisition for Escapee or Absconder or Accused Delinquent** if a youth who has escaped, absconded or is charged with a delinquent act,
 - 2) four true test copies from the court of all court orders, judgment orders, adjudication order, petition alleging delinquency, commitment orders, custody decree, guardianship, and/or birth certificate, if available;
 - c. once the Deputy Compact Administrator or designee has received the required documents, the Deputy Compact Administrator or designee shall send the documents to the Deputy Compact Administrator or designee in the holding state within 24 hours; and
 - d. the Deputy Compact Administrator or designee shall arrange transportation for a youth once the holding state orders the return of the youth. *Note: The youth may be held in detention while this process takes place.*
5. For court-ordered secure transports, the Deputy Compact Administrator or designee shall coordinate with DJS Budget Unit will coordinate the purchase of any secure air transports.
6. The Deputy Compact Administrator or designee shall request transportation of youth and provide Transportation staff with the order signed by the judge ordering the youth's return, if available.

7. The DJS Transportation staff shall follow the procedures for transportation of youth. (See **Appendix 1 - Procedures for Specialized Transports-Airport Escorts.**)

E. Return of Runaway Youth (Youth who have run away from home, absconded, or escaped from another state to Maryland)

When DJS Centralized Intake processes a youth with a warrant/writ of body attachment or NCIC transmittal form (generated by law enforcement) indicating the youth has run away from home, or absconded or escaped from a placement in another state to Maryland,

1. The DJS Intake Officer shall email scanned copies of the detention authorization form, the warrant for the youth (if available), and the NCIC transmittal form to the Deputy Compact Administrator within 24 hours;
2. The Deputy Compact Administrator or designee shall:
 - a. notify the Deputy Compact Administrator or designee in the home state that the youth is in DJS custody in Maryland; and
 - b. within 48 hours, the home state Deputy Compact Administrator shall notify the Deputy Compact Administrator or designee if the home state will request the return of the youth.
3. If the youth is to be returned to the home state, the ICJ Coordinator or designee shall complete the **ICJ Form III – Consent for Voluntary Return of Out-of-State Juvenile** found in JIDS or on the DJS intranet and forward the completed form to the Court Liaison or CMS.
4. The Court Liaison or CMS, at the hearing, shall obtain the signature of the Judge and the youth on the **ICJ Form III – Consent for Voluntary Return of Out-of-State Juvenile** and then forward the completed form to the Deputy Compact Administrator or designee.
5. Upon receipt of the **ICJ Form III – Consent for Voluntary Return of Out-of-State Juvenile**, the Deputy Compact Administrator shall upload the scanned copy into JIDS within one business day of receipt.
8. Once notified, the Deputy Compact Administrator or designee shall request transportation of youth and provide Transportation staff with the order signed by the judge ordering the youth's return, if available.
9. The DJS Transportation staff shall follow the procedures for transportation of youth. (See **Appendix 1 - Procedures for Specialized Transports-Airport Escorts.**)

F. Victim Notification

1. For youth supervised by another state at Maryland's request for whom a Crime Victim Notification Form has been completed and filed in their record:
 - a. The Deputy Compact Administrator or designee upon notification that the youth has died, escaped, absconded, run away, or relocated to another state shall notify the youth's CMS or CMSS of this change in the youth's status;

- b. The CMS and CMSS shall notify the DJS Victim Notification Liaison designated by the Regional Director; and
 - c. The DJS Victim Notification Liaison shall notify the victim of any change in the youth's status (pursuant to the *DJS Victim Notification Policy*.)
2. For youth supervised in Maryland at the request of another state for whom a crime victim requirement has been identified, the Deputy Compact Administrator or designee shall coordinate the response to any notification requirements of the sending state.

G. Airport Surveillance for Layover of ICJ Youth

When the Deputy Compact Administrator receives a request from another state for surveillance of a youth who is awaiting a connecting flight in Maryland, then Maryland is required to provide staff to provide surveillance of the youth from the time the youth arrives in Maryland until the time the youth departs.

1. The DJS ICJ Unit will coordinate staff supervision and assistance of unescorted youth from other states at Maryland airports who are en route to their home state.
2. DJS staff shall supervise youth from arrival until departure.
3. The Deputy Compact Administrator or designee shall provide the following information to the CMS or the DJS Transportation Officer Supervisor at least 48 hours in advance of the youth's travel. The following information is required for all requests:
 - a. youth's name;
 - b. date of birth;
 - c. ASSIST number, if applicable;
 - d. classification and/or offense (if available);
 - e. notice of run risk;
 - f. flight schedule;
 - g. detailed physical and clothing description;
 - h. name, title, and phone number of person who will meet the youth at the final destination; and
 - i. if airport supervision is needed.
4. For unaccompanied youth who are returning to their home/demanding state via a commercial flight as arranged through the ICJ, the CMS shall provide supervision of youth by meeting the arriving flight and to ensure the youth is placed on the connecting flight follow current airport security procedures.
5. The CMS providing airport surveillance of the youth at the airport shall report any changes in the original information and/or schedule to the DJS ICJ Unit as soon as possible to ensure that the youth is met at the connecting airport.

H. Travel Permits

- a. The CMSS shall forward the completed travel permit to the Regional ICJ Coordinator or designee 48 hours prior the youth leaving the state of

Maryland. The travel permit is good for 90 calendar days. If the youth will be traveling for more than 31 calendar days, the CMS must prepare an ICJ Referral Packet, including special instructions for communicating with the youth while the youth is out-of-state, and forward it to the Deputy Compact Administrator and/or designee.

- b. The Regional ICJ Coordinator or designee must submit a travel permit for all youth traveling outside the state of Maryland for a period in excess of 24 hours and who are committed or case circumstances include any of the following:
 - 1) youth who were adjudicated delinquent for a sex related offense;
 - 2) youth who were adjudicated delinquent for violent offenses that have resulted in injury/death;
 - 3) youth who were adjudicated delinquent for offenses committed with a weapon;
 - 4) youth committed to the department;
 - 5) youth who are relocating pending a request for transfer of supervision, and who are subject to the terms of the Compact;
 - 6) youth who are returning to the state from which they were transferred for the purposes of visitation;
 - 7) youth who are transferring to a subsequent state(s) with the approval of the original sending state; and
 - 8) youth who have transferred and the victim notification laws, policies and practices of the sending and/or receiving state require notification.

I. Transport of Secure ICJ Youth

The Deputy Compact Administrator or designee shall notify the DJS Transportation Unit that an ICJ youth must be transported directly from a secure facility to the airport:

1. The DJS Transportation Officer responsible for taking the youth who is returning to the home or demanding state to the airport shall:
 - a. have a copy of the youth's signed **ICJ Form III, Voluntary Consent Form to Return**, and if available, include the order signed by the judge which orders the youth's return;
 - b. accompany the youth into the airport without mechanical or physical restraint;
 - c. arrive at the ticket counter at least one hour before the flight is scheduled for departure;
 - d. assist youth onto aircraft;
 - e. stay at the airline gate until the flight is airborne; and
 - f. telephone the Deputy Compact Administrator or designee with information that youth was successfully placed on the flight.
2. The DJS Transportation Officer taking the youth to the airport shall report any changes in the original information and/or schedule to the DJS ICJ Unit as soon as possible to ensure that the youth is met at the connecting airport.

3. In cases where the youth presents a potential flight risk or may violate other security factors, the Deputy Compact Administrator or designee may arrange secure transportation upon receipt of an active warrant or detainer.

J. Communication Requirements between states

1. All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective Deputy Compact Administrators or designees.
2. DJS staff may communicate directly with other states for the following situations:
 - a. youth with severe mental health issues;
 - b. chronic substance abusers in need of inpatient treatment;
 - c. victims of human trafficking (sex and/or labor); and
 - d. other emergency situations, including, but not limited to, hospitalization of child or allegation of child neglect or abuse.
3. Direct Communication may occur between DJS CMSS and Probation Offices Supervisors in neighboring states with prior written approval by Deputy Compact Administrators or designees in sending and receiving states. The CMSS shall provide a summary of the direct communication to the ICJ Office who shall document in JIDS.
4. The CMSS or CMS shall adhere to confidentiality rules of sending and receiving states.

K. Provision of Emergency Services

- In the event an emergency situation (*e.g.*, weather, delayed flight, missed flight, etc.) interrupts or changes established travel plans during a return transport,
- a. the CMS or CMSS shall coordinate necessary services and assistance including temporary detention or housing for the youth until the transport of the youth is rearranged and/or completed; and
 - b. the Deputy Compact Administrator or designee shall coordinate the rescheduling of transportation arrangements.

L. Case Closure

1. The sending state has sole authority to discharge/terminate supervision of its youth with the exception of:
 - a. when a youth is convicted of a crime and sentenced under the jurisdiction of a Maryland adult court and the adult sentence is longer than the youth sentence; in such cases, the Deputy Compact Administrator may grant permission to the CMSS to close the ICJ Receiving Case in ASSIST and shall notify the Regional ICJ Coordinator or designee;
 - b. when a case terminates due to expiration of a court order or expires following the maximum period of parole or probation, the Deputy Compact Administrator may grant permission to the CMSS to close the case without further action by the sending state; in such

- cases, the DJS CMSS shall forward the final **ICJ Form IX Quarterly Progress or Violation Report** and **ICJ Form X – Case Closure Notification** to the Deputy Compact Administrator within 5 business days;
- c. if the youth has been admitted to a residential facility for more than 90 calendar days; or
 - d. if the placement is not made within 90 calendar days, the Deputy Compact Administrator or designee will grant permission to close the case upon receipt of the **ICJ Form X – Case Closure Notification**. Note: The sending state may request an extension beyond the ninety (90) calendar day timeframe, providing an appropriate explanation, or may resubmit the referral later.
2. For other requests for release of the youth from probation or parole not listed in L.1.:
- a. The DJS CMSS shall submit the **ICJ Form IX – Quarterly Progress or Violation Report** to the Deputy Compact Administrator or designee;
 - b. If the Deputy Compact Administrator or designee needs more information, the Deputy Compact Administrator or designee shall contact the CMSS to clarify.
 - c. The Deputy Compact Administrator or designee shall forward the **ICJ Form IX – Quarterly Progress or Violation Report** based on the Maryland’s recommendation to the sending state.
 - d. Upon receipt of a request to close a case from the CMSS or CMS, the Deputy Compact Administrator and/or designee shall notify the sending state within 10 business days of the request to close a case; and
 - 1) If a response is received from the sending state within the first 30 calendar days, the Deputy Compact Administrator or designee will forward the response from the sending state to the CMSS or CMS within 5 business days of receipt. (If the request has been denied, the Deputy Compact Administrator shall notify the CMSS or CMS the reason for the denial and include the sending state’s written explanation as to why the youth cannot be released from probation/parole. The CMSS or CMS shall continue to supervise the case.)
 - 2) If the response is not received from the sending state within the first **30 calendar days**, the Deputy Compact Administrator and/or designee will re-notify the sending state and request the closure of the case;
 - 3) If the response is not received from the sending state within **60 calendar days**, the Deputy Compact Administrator and/or designee will continue to communicate with the sending state to resolve the closure;

- 4) If the response is not received from the sending state within **90 calendar days**, the Deputy Compact Administrator and/or designee will communicate with the national ICJ representatives for resolution; and
 - 5) The DJS CMSS/CMS shall provide administrative supervision and maintain the ICJ Folder until the DJS CMSS/CMS receives permission from the Deputy Compact Administrator and/or designee to close the case.
- e. In cases where Maryland is the sending state, upon receipt of the **ICJ Form IX – Quarterly Progress or Violation Report** containing discharge information from the receiving state,
- 1) the MD CMSS/CMS will submit a written request to Maryland Juvenile Judge/Magistrate to request closure of the case within 10 business days of the receipt of the form;
 - 2) Upon receipt of the court order to close the case, the CMS or CMSS shall forward a copy of the order to the Deputy; and Compact Administrator and/or designee and close the case;
 - 3) The Deputy Compact Administrator shall notify the receiving state to close the case.
3. Files of closed cases shall be maintained in the MD ICJ Office for 3 years after the case is closed or until the youth's 21st birthday and then the files may be destroyed.

M. Training

The Deputy Compact Administrator and/or designee shall coordinate annual and entry level training of staff.

IV. RESPONSIBILITY

Regional Directors are responsible for implementation and compliance with this procedure.

V. INTERPRETATION

The Deputy Secretary for Operations shall be responsible for interpreting and granting any exceptions to these procedures.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

- A. (Community) Case Management Policy and Manual
- B. Victim Notification Policy

VIII. FORMS

All forms referenced in this policy can be found on the DJS intranet under the section entitled Forms/Interstate Compact for Juveniles.

IX. APPENDIX

1. Procedures for Specialized Transports-Airport Escorts (Memo)



Successful Youth • Strong Leaders • Safer Communities

DJS POLICY AND STANDARD OPERATING PROCEDURES Statement of Receipt and Acknowledgment of Review

POLICY: Interstate Compact for Juveniles

NUMBER: CS-112-13

**APPLICABLE TO: Interstate Compact, Case Management, and Transportation
Employees**

REVISION DATE: April 18, 2018

I have received and reviewed a copy (electronic or paper) of the above titled policy.

I understand that failure to sign this acknowledgment form within five business days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

**SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF
HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.**

Boyd K. Rutherford
Lt. Governor

Larry Hogan
Governor

Sam Abed
Secretary

To: All Transportation Officers

From: Stacia Dashiell
Managing Director and Acting Transportation Director

Date: May 19, 2016

Subject: Revised Procedures for Specialized Transports-Airport Escorts - including youth under ICJ supervision

-
- I. Purpose:** To provide a clear and concise understanding of the proper procedures for transporting youth.
- II. Definitions:**
- A. *ICJ* – means the Interstate Compact for Juveniles.
 - B. *Mechanical Restraints* - devices such as handcuffs, waist chains, shackles or any other approved devices used to limit the movement of the youths’ body.
 - C. *Secure Transports* - transports of youth on whom handcuffs, waist chain with attached lack security box and shackles are applied.
 - D. *Special Transports* - transports of youth from one residential facility or program to another residential facility or program in-state or out of state, a placement interview, a viewing or funeral, air travel, train travel, bus, and/or appointments.
 - E. *Transportation Officer* - a designated employee class whose primary job function is the transport of youth.
 - F. *Vendor*- a treatment service program in which a youth is committed to the Department of Juvenile Services. This includes in /out-of-state, privately and state-operated programs.
- III. Procedures for Specialized Transports-Airport Escorts**
- A. All requests for specialized transports must be submitted using the **Transportation Request Form.**
 - B. Requests shall be submitted to the assigned regional Transportation Unit Supervisor a minimum of seven (7) business days prior to the date of the request.
 - C. The regional Transportation Unit Supervisor shall review and approve or disapprove each request within 72 hours of receipt. The regional Transportation Unit Supervisor shall document their decision on the Transportation Request Form and returned to the requesting staff and Regional Director or Superintendent within 72 hours.
 - D. All requests for out-of-state travel must be submitted to the Central Transportation Unit Supervisor.

- E. The Central Transportation Unit Supervisor shall be responsible for completing the **Transportation Itinerary Form** for use by the transporting officers.
- F. The Central Transportation Unit Supervisor will be responsible for making notification to the appropriate head of security prior to arriving at the airport.
- G. The Transportation Officer must arrive at the ticket counter with the youth at least one hour before the flight is scheduled to depart or use an electronic ticket.
- H. If a youth is under ICJ supervision, the Transportation Office shall have a copy of the youth's signed **ICJ Form III, Voluntary Consent Form to Return**, and if available, the order signed by the judge which orders the youth's return.
- I. Upon arrival at the airport, the Transportation Officer shall contact the head of security and advise them of the youth's presence.
- J. The assigned Case Management Specialist may be required to accompany a Transportation Officer(s) during a specialized transport.
- K. Transportation officers must have a **Face Sheet** and chain of custody document when meeting a vendor for the exchange of a youth. The vendor must sign the change of custody form and the Transportation Officer must submit it with the paperwork after the transport.
- L. Once at the Airport, the Transportation Office may remove the mechanical restraints from the youth after chain of custody has been established at the Maryland Transportation Authority Police (MDTA) office. In cases where a youth under ICJ supervision presents a potential flight risk or may violate other security factors, the Deputy Compact Administrator or designee may approve the continuous use of mechanical restraints if in receipt of an active warrant or detainer.
- M. If a problem occurs with the youth, Transportation Officer will re-apply the restraints, contact the supervisor, and return the youth to the detention facility. Prior to returning the youth to the facility, the Transportation Officer will contact the facility and inform the Desk Operator of the status of the transport. Upon return, the Transportation Officer shall complete an Incident Report in accordance with the *Incident Reporting Policy* and submitted before the end of duty.
- N. If the Transportation Officer is transferring a youth to a vendor at the airport, the Transportation Officer must escort the youth and the vendor to the gate area unless the MDTA Police conducts the escort. Once the youth has been observed boarding the plane or the MDTA police have taken over the escort, the Transportation Officers may depart the area.
- O. The Transportation Officers must contact the Desk Operator or Supervisor to inform them of the status and time of the completion of the transport.
- P. If a youth is under ICJ supervision, the Transportation Officer must email or call the Deputy Compact Administrator or designee to inform them that the youth has been successfully placed on the flight and any changes in the original information and/or schedule.

cc: Wallis Norman
Sherry Jones

