

INTERSTATE COMPACTS

INTERSTATE COMPACTS

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INTERSTATE COMPACTSSTATUTORY AUTHORITY AND GUIDELINES

Any child placed out of the state of Iowa or placed from another state in Iowa, by any person, public or private agency or court shall be placed according to the provisions of the Interstate Compact on the Placement of Children or the Interstate Compact on Juveniles. Both of these Compacts are model laws identical in every signatory state to those sections found in the Code of Iowa.

Legal Basis

The policies and procedures in this chapter are based on:

- ◆ Iowa Code Chapter 232, Division X
- ◆ State Administrator's Manual of the Interstate Compact on Juveniles
- ◆ 441 Iowa Administrative Code Chapter 143
- ◆ Attorney General's Opinion of January 29, 1976

Definitions

"Child" means any person who is under the age of majority in his or her state of legal jurisdiction or has not been legally emancipated by the laws of that jurisdiction.

"Sending agency" means any state agency, officer or employee; any court, any person, corporation, association, or other entity that sends, brings or causes to be sent or brought into another state.

"Receiving state" is the state to which the child is sent or caused to be sent or brought.

"Placement" means any living arrangement other than:

- ◆ A facility whose sole purpose is education.
- ◆ A medical facility whose sole purpose is medical care.
- ◆ The custody of a divorced parent.
- ◆ Arrangements by and with a child's relatives (parents, stepparents, grandparents, adult brothers and sisters, adult aunts or uncles) or guardian.

"Department" means the Iowa Department of Human Services.

INTERSTATE COMPACTSSTATUTORY AUTHORITY AND GUIDELINES (Cont.)Definitions (Cont.)

"**ICPC-100A**" (SS-9103-3) is a national form entitled "Interstate Compact Application to Place Child."

"**ICPC-100B**" (SS-9803-3) is a national form entitled "Interstate Compact Report on Placement Status of Child."

Comment

Legal reference: Iowa Code section 232.171, Article II; State Juvenile Compact Administrator's Manual.

THE INTERSTATE COMPACT ON JUVENILESPolicy

The procedures for adjudicated delinquents, escapees or absconders, or non-delinquent runaways, shall be followed for any juvenile from, found, or placed in Iowa as outlined the Interstate Compact on Juveniles. EXCEPTION: This Compact shall not apply if the juvenile meets the criteria for placement under the Interstate Compact on the Placement of Children.

Comment

Legal reference: Iowa Code section 232.171; 441 Iowa Administrative Code 143; Iowa Attorney General's Opinions, September 1, 1976, and July 2, 1979, State Juvenile Compact Administrator's Manual.

Procedures for Return of Runaways, Escapees or AbscondersPolicy

The Iowa Interstate Unit is responsible for returning all runaways who are in custody or under guardianship of the Iowa Department of Human Services. The Interstate Unit will also arrange for the return of runaways who are not under any legal jurisdiction but whose parents are legal residents of Iowa, and whose parents are unable to pay for their return or are unwilling to do so.

In the latter case, the Interstate Unit will request the region in which the parents reside to assist with planning with the parents for the return of their child and to follow up with services and planning for the child upon return.

INTERSTATE COMPACTS

Pages 3 through 14 are reserved for future use.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Procedures for Return of Runaways, Escapees or Absconders (Cont.)

It shall be the responsibility of the Iowa court of jurisdiction to return all runaways adjudicated as having committed a delinquent act who are not in custody or guardianship of the Department. The Interstate Unit will assist in the return of these juveniles by coordinating their return, obtaining surveillance in any intervening state, and making flight arrangements (if requested by the Iowa Court of jurisdiction or probation officer.)

The Iowa Interstate Unit will also assist, on referral from an Iowa court or probation department, in returning runaways, escapees or absconders found in Iowa. The Iowa Interstate Unit will first negotiate with the juvenile's home state for the return, after the Compact procedures have been followed, and the juvenile is legally free to return. However, if negotiations fail with the home state, and it has been determined it is in the best interest of the juvenile to return, the Iowa Interstate Unit shall assume the financial responsibility for the transportation costs to the home state.

Procedures for Return of an Iowa Runaway*Policy*

The Interstate Unit will not return, or participate in the return, of any juvenile, unless the court or jurisdiction in the asylum state has effected the procedures of the Juvenile Compact under the following Articles:

1. Article VI - Voluntary Return Procedure (for non-delinquent runaways).
2. Article IV - Return of Runaways (involuntary procedures for return of non-delinquent runaways).
3. Article V - Return of Escapees or Absconders.

Comment

Pertinent legal reference is 232.139, Code of Iowa.

Each of the above Articles have specific procedures designed to protect the rights of children and must be adhered to before they are returned from one state to another. In all instances the voluntary return procedures should be tried first before implementing the involuntary procedures.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Procedures for Return of an Iowa Runaway (Cont.)*Comment* (Cont.)

No Iowa representative should participate in the transporting of any juvenile from one state to another who come under one of these Articles unless these procedures are followed. If the jurisdiction in the asylum state refuses to proceed under one of these Articles or upon arrival to transport it is found these procedures have not been followed, the juvenile shall be left in the asylum state's jurisdiction until such time as the asylum jurisdiction complies with the Juvenile Compact laws of their state.

The Department shall pay up to 18¢ per mile for transporting an Iowa juvenile from one town to another where there is an air terminal, if such payment is requested by the asylum state.

If the juvenile is apprehended in a bordering state and there is no close access to an air terminal, arrangements shall be made by the local jurisdiction in Iowa to return the juvenile. If this is necessary, the Interstate Unit does not have to be advised immediately, but a written notice and the voluntary consent to return shall be submitted to the Iowa Interstate Unit for all out of state runaways returned to Iowa.

There are some circumstances, i.e., when there is no air travel available, when a juvenile may be returned by bus if there is some certainty that the juvenile will not run while enroute. In these instances, it shall be necessary at the point of contact to ascertain whether a bus ticket can be purchased locally in the other state. The Iowa Interstate Unit will guarantee payment upon receipt of the bill for those juveniles if requested prior to such arrangements being made.

Procedure

If contacted by a local agency in another state and informed that a child is being held in custody, the service worker shall acknowledge the Department's guardianship, custody, or the probation officer, the court's jurisdiction, and obtain and give the following information:

1. Name, agency and telephone number of person calling;
2. Specify the juvenile's status in Iowa (delinquent or child in need of assistance) and person, court or agency legally responsible for him or her;

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Procedures for Return of an Iowa Runaway (Cont.)*Procedure* (Cont.)

3. Location where the juvenile is being held and type of facility;
4. Whether juvenile will sign voluntary consent to return; (see XIII-N-Appendix)
5. Whether any charges against that juvenile are pending in the asylum state and the proposed disposition of those charges if, and before, the juvenile is returned to Iowa.
6. The nearest air terminal and if transportation for the youth can be provided to it when the return arrangements are made. The worker shall inform those authorities that flight arrangements will be made and communicated to them by their state's Interstate Unit and that a complete clothing description will need to be available at the time the flight information is communicated.

Comment

If notification is received on Thursday afternoon or Friday, authorities shall be informed that it may be Monday before arrangements can be made for the return, especially if airport surveillance is needed at a connecting point.

The telephone contact must be verified by teletype to the asylum jurisdiction confirming the juvenile's legal status in Iowa, his/her birthdate and confirming that the juvenile shall be detained for the return under the provisions of the Juvenile Compact and his/her return will be requisitioned if he/she will not return voluntarily. The Department worker or the probation officer responsible for the juvenile should contact the local county sheriff's department or State Police Radio for sending the teletype.

All the above information must be obtained before the Iowa Interstate Unit is contacted. The Iowa Interstate Unit will then negotiate with the Interstate Unit in the asylum state all further arrangements for the return. When this has been completed, the local agency will be notified of the return arrangements.

Procedure for Filing of Requisition for an Involuntary Return*Policy*

It is necessary to proceed with filing of a Requisition, the parent or legal custodian must petition the Juvenile Court in the county of residence. The local office of the Department of Social Services may be requested to assist the parent in the filing of the petition. The Petition for Filing of Requisition may be on the Interstate Form A, SS-9501, Petition For Return of a Runaway, or, if this form is not available, as indicated under Articles IV and V.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Procedure for Filing of Requisition for an Involuntary Return (Cont.)*Comment*

Verification of the Petition: Attached to the Petition must be verification signed by the petitioner, and notarized that he/she is the petitioner who is the rightful custodian of the child. (See XIII-N-Appendix for an example of a Verification.)

Procedure

Form A -- Petition for Requisition to Return a Runaway Juvenile:

1. The Petition must be accompanied by one of the following:
 - a. Court Order that verifies the petitioner as legal custodian of the child.
 - b. A birth certificate which will verify the petitioner as the legal parent of the child.
 - c. A Court Order of dissolution of marriage verifying the petitioner as having legal custody of the child.

Verification of the Petition

Attached to the Petition must be verification signed by the petitioner, and notarized that he/she is the petitioner who is the rightful custodian of the child.

Form I - Requisition for Runaway Juvenile

After the Judge has reviewed the petition, and obtained any additional information he/she deems necessary, the Judge shall issue a requisition for the return of the juvenile. (See XIII-N-Appendix Form I for Requisition.)

All documents filed with the Petition, the Petition and the Requisition must be certified and may be sent in duplicate directly to the court in the asylum stated where the juvenile is located. The requisitioning court shall maintain one copy of these documents and shall send two copies to the Interstate Unit. It shall be the responsibility of the Interstate Unit to send one copy to the Juvenile Compact in the asylum state and to file one copy in the Interstate Unit. The Interstate Unit shall maintain the Requisition and documents for five years after the date it is executed.

Comment

If the asylum court determines at the time of the hearing to test the legality of the proceedings and that the juvenile should not be returned to the demanding court, the asylum court should make a subsequent disposition by retaining jurisdiction and/or appointing a custodian that will be able to assume responsibility for the minor child.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Form I - Requisition for Runaway Juvenile (Cont.)

Comment (Cont.)

The legal custodian or Iowa court of jurisdiction has the responsibility to pursue the return of any minor child for which they have responsibility. However, if the asylum court refuses to honor the requisition and assumes jurisdiction, the demanding state has exhausted its resources under this Compact. In these situations, the Iowa Interstate Unit may request assistance from the Attorney General for legal assistance to pursue the matter with the court in the asylum state at the request of a District Administrator of the Department, the Department Guardian, or an Iowa Court.

Hearing on the Requisition

Upon receipt of the requisition by the court in the asylum state, that court shall issue an order for the detention of a juvenile with a time set for hearing on the Requisition.

At this hearing, the court shall determine one of the following:

1. Determine if the Requisition is in order and deliver the juvenile over to the demanding court.
2. May fix time for hearing to test the legality of the proceedings.

Procedures for Requisition for Escapee or Absconder - Article V

Policy

The same procedures for filing a Requisition under this Article are followed as those for return of a runaway. However, Juvenile Compact Form II, SS-9401-3, must be used for an escapee or absconder. Or a Court Ordered Requisition, if form II is not available, must indicate the type of Requisition (escapee or absconder). Refer to Article V under this Compact, and contain all information outlined in Article V.

The Requisition under this Article may be signed by one of the following: the juvenile judge in the court of jurisdiction in the demanding state, or the juvenile compact administrator or the deputy juvenile compact administrator.

Comment

It is recommended that the court of jurisdiction issue the Requisition and sent it, along with the required documentation, to the court in the asylum state to expedite. However, two copies must be

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Procedures for Requisition for Escapee or Absconder - Article V (Cont.)*Comment* (Cont.)

sent to the Iowa Interstate Unit on any Requisition issued under this Article. One of these Requisitions will be maintained in the Compact Unit for five years after its execution and the other sent to the Juvenile Compact Administrator in the asylum state.

Hearing on the Requisition for Return of Escapee or Absconder*Policy*

Upon receipt of a Requisition, the court of jurisdiction in the asylum state shall hold a hearing to determine if the Requisition is in order. The juvenile shall be represented by counsel or guardian ad litem appointed for him/her by the court.

If at the time of hearing on this Requisition, there are charges pending against him/her or, he/she is suspected of having committed a criminal offense in the asylum state, the Requisition shall be set aside until these charges have been disposed.

At the hearing on the Requisition, the Judge shall determine whether the Requisition is in order, and, if so, deliver the juvenile over to the authority in the state demanding his/her return.

If, however, at the hearing, the court determines there is need for further documentation from the demanding state to substantiate the Requisition, the Judge shall order detention for the juvenile and continue the hearing. Upon receipt of further substantiation from the demanding state, the court shall reconvene and continue the hearing.

At the time the Court determines the Requisition is in order, it shall return the juvenile to the demanding state. If the court refuses to honor the Requisition, the Interstate Unit should be notified for intervention by the Attorney General.

Comment

Although Article V allows a 90 days detention of the juvenile to allow further substantiation of the Requisition by demanding state, the Iowa Interstate Unit does not recommend that any Iowa court detain a juvenile beyond 30 days to allow the demanding state to further substantiate the Requisition. Also, in cases where an asylum state is requesting further substantiation for an Iowa juvenile it will be recommended to the demanding

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Hearing on the Requisition for Return of Escapee or Absconder (Cont.)

Comment (Cont.)

state that the demanding court should also comply with this 30 day limitation.

Return of Runaways, Escapees, Absconders Found in Iowa

The same procedures shall be followed for out of state runaways, escapees or absconders by the Iowa Juvenile Court in the jurisdiction where the juvenile is located as detailed on pages 16-20 of this chapter.

Detaining Juveniles in Iowa Awaiting Return under Articles IV, V, & VI

No non-delinquent runaway who has not been adjudicated delinquent in any jurisdiction shall be detained in a secure setting in Iowa while awaiting return to or requisition from his/her home state.

Any juvenile who has been adjudicated delinquent and who has escaped or absconded from his/her state of jurisdiction shall be detained in a secure setting in Iowa while awaiting a Requisition from or return to the demanding state.

Any runaway charged with committing a delinquent act in Iowa, but has not been adjudicated delinquent in the demanding state, shall be detained according to 232.22 of the Code of Iowa.

Responsibility of Local Department Workers or Probation Officers Arranging Return of an Out of State Runaway, Escapee or Absconder*Policy*

The Department service worker or probation officer who has the responsibility for the out of state juvenile must provide the Iowa Interstate Unit with the following identifying information within twenty-four hours of any flight scheduled for the juvenile's returning him/her to the home state:

1. Physical description which also includes:
 - a. Length of hair, curly or straight
 - b. If juvenile appears older or younger than age
 - c. Any easily identifiable markings
2. A detailed clothing description
3. Any indication that the juvenile may be uncooperative while enroute home. The responsibility for the juvenile remains with the local Iowa authority until the juvenile leaves the state.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Responsibility of Local Department Workers or Probation Officers Arranging Return of an Out of State Runaway, Escapee or Absconder (Cont.)*Procedure*

The Iowa person transporting juveniles to the air terminal should check with the airlines, the afternoon before departure, to make certain there is a prepaid ticket in the juvenile's name. If not, notify the Interstate Unit immediately.

The juvenile should be at the terminal at the minimum of one hour before flight time.

The juvenile should not be permitted to carry on the plane any luggage or any items that could permit him/her to disguise their identity while enroute. (Everything must be checked through baggage or left behind.)

The person responsible for accompanying the juvenile to the terminal shall remain at the waiting area at least 15 minutes after the plane leaves the ground to be certain the plane has left and does not return for some reason.

If for any reason the juvenile does not make the flight, the flight is delayed so that he/she will miss connections, or the air lines changes the schedule, the Interstate Unit must be notified immediately.

When the juvenile is put on the plane, the flight attendant should be told the state he/she is returning to and that someone will be meeting him/her at the next terminal. If the plane stops in an intervening city but the juvenile does not have to change planes, the flight attendant should be told that the juvenile should not be permitted to leave the plane.

Airport Surveillance by Iowa

A local district office of the Department will be contacted periodically by the Interstate Unit to provide surveillance for another state. Except in emergency situations, the District will have at least twenty-four hours in which to assign a worker.

The worker assigned shall be at the terminal gate of the plane's arrival at least a ½ hour before arrival time and not leave the flight gate until the plane has left the ground for 15 minutes. If they have been informed that there may be problems, the worker should notify airport security upon arrival at the terminal.

If the juvenile is changing planes, the worker under no circumstances shall leave the juvenile for any time or for any reason. If the juvenile runs, the worker should not attempt to apprehend him/her. Airport security should be notified immediately, identify the status and state juvenile

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Airport Surveillance by Iowa (Cont.)

is from and then contact the Interstate Unit immediately after this is done.

If the plane is late, the flight schedule is changed, or the juvenile was not on the plane, the Interstate Unit should be notified immediately.

Time Frame for Returning Juveniles by the Interstate Unit*Policy*

The Iowa Interstate Unit will begin working for return upon notification and will make every attempt to implement the return within forty-eight hours. Therefore, it is important the person responsible for the juvenile notify the Interstate Unit as early as possible within the work day. States providing surveillance must have at least twenty-four hours notice and flight arrangements must usually be made between 10:00 A.M. and 4:00 P.M. during the work week. Therefore, juveniles picked up on Thursday will probably not be returned until the following Monday or Tuesday and those picked up on the week end, not until the following Tuesday.

Since the dependent vehicles for implementing returns in other states are not available on week ends or holidays, the Interstate Unit should not be contacted until the beginning of the work day.

Comment

Inclement weather, holiday seasons, and airline strikes may cause delay in return, returns by non-direct routes, or to locations in Iowa that may not be the most convenient for the person responsible for meeting the plane. In these situations, the Interstate Unit will attempt to accommodate those involved and also return the juvenile as soon as possible.

The operation of the interstate units in states are dependent upon the spirit of cooperation between states and much of the negotiations are focused on the best interest of the child above and beyond the statutory requirements of the compact. In addition, however, states are limited in what they can do by other state statutes and state appropriations. Therefore, what the Iowa Interstate Unit may be able to negotiate with one state may not be possible in a similar situation involving another state. Also airlines and airport security are not responsible for looking after or providing surveillance for runaways, escapees or absconders. Therefore, states "in the spirit of good cooperation" are using service staff to provide this surveillance. States that have large terminals meet numerous flights each

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Time Frame for Returning Juveniles by the Interstate Unit (Cont.)

Comment (Cont.)

day for surveillance. Occasionally, scheduled flights will have to be changed because the intervening state has already utilized all its staff for that day and time. Also airlines are becoming increasingly more reluctant to board these unaccompanied juveniles. Therefore, the Iowa Interstate Unit may appear not as expedient as it could be to the person responsible for a particular juvenile but the above factors must be considered. And, if it is determined that an escort will be needed to return a juvenile to Iowa, it is based on the fact that the risk to future unaccompanied flights for all juveniles is too great.

Supervision of Out of State Delinquent Probationers or Parolees

Policy

As signatory to the Interstate Compact on Juveniles, Iowa has the responsibility of supervising delinquents from another state whenever they are placed in Iowa.

Any requests for supervision of a probationer or parolee (after care, placement from a delinquent institution, committed delinquent not placed in a delinquent institution, etc.) must be referred by the sending state to Iowa through the Iowa Interstate Unit. The Iowa Interstate Unit has the responsibility for coordinating all situations with the Interstate Offices in all the states and territories.

Delinquent state wards from another state will be referred by the Compact Unit to the appropriate District Office of the Department for assignment for evaluation and recommendation regarding suitability of the placement and confirmation of acceptance of courtesy supervision.

Delinquent probationers from another state will be referred by the Compact Unit to a local probation Department for evaluation and recommendation regarding the suitability of the placement and confirmation of acceptance of supervision.

There may be some instances when Iowa will be requested to supervise a person over the age of 18 since there is a variance of state's laws relevant to the age of majority and authority over an adjudicated delinquent. The jurisdiction over juveniles coming under the Juvenile Compact remains with the sending jurisdiction. Therefore, in these situations, although the person is of majority age in Iowa, he/she must be treated according to Iowa Juvenile standards unless he/she is convicted of a felony as an adult in Iowa.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Supervision of Out of State Delinquent Probationers or Parolees (Cont.)*Comment*

Legal reference is 232.139, Article VII, Attorney General's Opinion of September 7, 1976 and In the Interest of Storm, 223 N.W. 2d 170 (1974)

Policy

Referrals that lack sufficient current information on the juvenile or do not include: documentation of the adjudication, or the conditions of probation or parole; or do not include the Juvenile Compact forms VI, Memorandum of Understanding and Waiver, signed by the granting authority and Juvenile Compact form IA, Request for Compact Services; will not be forwarded locally in Iowa until the referral is in order. However, if it is determined by the Compact Unit that additional information is forthcoming from the sending state, in this instance, the referral will be made prior to receiving the complete referral packet.

At the time the referral leaves the Compact Unit a date for response will be given that will allow a maximum of four weeks for evaluation and recommendation regarding the placement. The completed report is to be sent in triplicate to the Iowa Compact Unit for forwarding to the requesting state.

Cost of Care of Special Needs*Policy*

In most situations, if the juvenile is residing with a parent, the sending authority will expect the parent to assume the financial responsibility for him/her.

Since Iowa is only providing courtesy supervision for the sending authority, Iowa cannot guarantee payment for costs incurred on behalf of the juvenile. Therefore, the sending authority must approve payment before costs are incurred for special needs. (In some situations, it may be necessary to return the juvenile to the sending authority if the juvenile has special needs, the sending authority is unable or unwilling to pay for these needs out of state and the juvenile does not meet eligibility requirements for these services in Iowa.)

Comment

If at the time of the evaluation there appears that future problems may arise, it is important that these be indicated in the report as well as questions regarding payment of care, person authorized to consent to medical care and treatment, who is to be notified in cases of emergency, etc. and to indicate where school transcripts are to be sent.

Placement with Parents*Policy*

If the anticipated placement is with a legal parent, placement and supervision cannot be denied.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Placement with Parents (Cont.)*Comment*

This does not preclude a recommendation that the placement not be made and documenting the reasons that the placement would not be in the best interest of the juvenile.

Placement with Non-Relatives*Policy*

All intended placements in homes of non-relatives must be licensed according to the Iowa foster family home licensing requirements.

Placements Prior to Compact Referral*Policy*

There are some circumstances when supervision should be accepted when placements are made prior to a Juvenile Compact Referral. These are:

1. Probationers or parolees who are already in placement and move to Iowa with their caretaker or custodian.
2. Probationers or parolees who move to Iowa with their parents.
3. Probationers or parolees who ran, escaped or absconded from Iowa, committed a delinquent act in another state, are adjudicated delinquent in the asylum state, and are placed on probation or, were committed to a delinquent institution in that state, and are ready to be paroled to their parents.

Comment

In all other circumstances, it is not mandatory for Iowa to accept courtesy supervision if prior approval for placement has not been given. However, each of these situations must be considered on an individual basis according to the best interest of the juvenile and the community into which he/she has been sent.

It is determined that the juvenile should be returned to the sending jurisdiction, the Iowa Compact Unit will make every means available to get the sending state to take back the juvenile. However, if this cannot be accomplished, it may be necessary to request assistance from the local Iowa Juvenile Court to provide the legal authority for the Iowa Compact Unit to initiate the return or to refer the matter to the Attorney General's office for assistance.

Placement of Out of State Juveniles*Procedure*

When the requesting state receives notification that Iowa will accept supervision, the requesting authority will then begin making arrangements for placement. Iowa should be notified either verbally or in writing of these plans and, in turn will notify the local supervising person.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Placement of Out of State Juveniles (Cont.)*Procedure* (Cont.)

The juvenile at the time he/she is placed, is told to report to the supervising person upon arrival in Iowa. (If the supervising person has not been notified of the arrival date and the juvenile reports in upon arrival, the Iowa Interstate Unit needs to be notified.)

At the time Iowa Interstate Unit is notified of the date of placement, a juvenile compact case file will be made and it will remain active until notification by the sending state that: the juvenile is officially discharged by the paroling authority or court of jurisdiction; or the juvenile obtains majority age in the sending state; or the juvenile is no longer residing in Iowa.

Responsibility of the Supervising Person*Policy*

Supervision of out of state juveniles shall be of the same quality as that provided to Iowa juveniles.

Procedure

At the time of the initial contact with the juvenile, the supervising person must:

1. Establish with the juvenile the conditions of the placement and the authority of the supervising person to supervise for the sending agency.
2. The conditions of probation or parole established by the sending agency which must be incorporated into an agreement that will include any additional expectations by the supervising person.

Reports to Sending States*Policy*

All supervisory reports are to be submitted in triplicate to the Iowa Interstate Unit for forwarding to the sending state. These shall include:

1. An arrival report within two weeks after arrival.
2. Quarterly progress reports.
3. Special incident reports.
4. Recommendations for Discharge.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Reports to Sending States (Cont.)*Comments*

Special incident reports should be any circumstances which could possibly result in revocation of probation or parole, any felony charge that brings the juvenile to the attention of an Iowa court or law enforcement, anticipation of possible change of placement, etc.

Absconding from Placement*Policy*

When the supervising person has determined a juvenile has absconded from placement, the local law enforcement agency should be notified and a statewide pick-up be placed. The official pick-up item should identify the juvenile as an adjudicated delinquent from the state from which he/she has been placed, the place where he/she absconded from, and the supervising person in Iowa to be contacted if located.

Unless notified otherwise, if the juvenile has not been located within thirty days after absconding, the sending state and the supervising person will be notified in writing by the Compact Unit that Iowa is closing its interstate case.

The supervising person upon notification that the interstate case will be closed, has the responsibility of cancelling the Iowa pick-up item before closing the case.

Comment

The Iowa Interstate Unit should also be contacted so the sending state may be notified. It will be that state's probation or paroling authority's responsibility to place any nationwide pick-up. At the time the Compact Unit is contacted, information should be given of any charges pending against the juvenile and whether he/she can return to the placement in Iowa if located.

Return of Probation or Parole Agreement*Policy*

At any time it is determined that the juvenile has violated his/her probation or parole agreement and that the juvenile should be returned

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Return of Probation or Parole Agreement (Cont.)*Policy* (Cont.)

to the sending state, if the juvenile does not agree with this decision and refuses to waive hearing, the procedures as outlined in Chapter 232, Code of Iowa, Division II must be followed before the juvenile can be returned.

However, if the juvenile desires to return voluntarily to the sending state to a comparable community setting, he/she shall be permitted to return without a hearing after the sending state has been notified and been given the opportunity to make placement arrangements.

If a juvenile is suspected of or charged with committing a delinquent act in Iowa, this matter must be disposed of according to the procedures set forth in Chapter 232 of the Code of Iowa before the juvenile is returned to the sending state.

If the court determines there is insufficient evidence and the charge is dismissed, the juvenile cannot be returned to the sending authority unless he/she desires to return voluntarily.

Comment

Consideration should not be given to returning for violation if the juvenile is residing with a legal parent and has no viable placement alternative to return to in the sending state.

Return to the Sending State*Policy*

At any time it is determined by the juvenile, the persons he/she is placed with, or other persons, or the court, that the juvenile should return to the sending state, the Iowa Interstate Unit must be notified immediately.

Comment

Although it may be possible for the sending authority to make plans for return of the juvenile within twenty-four to forty-eight hours of notification, it should be anticipated that it may take a week or ten days before this can be accomplished. Therefore, if the juvenile must leave the placement before the sending authority has an opportunity to make placement or travel arrangements, shelter arrangements will need to be made locally for him/her until these arrangements can be made.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Final Report*Policy*

In all interstate cases, when a juvenile returns to the sending state, a final report shall be written by the supervising person and submitted to the Iowa Interstate Unit in triplicate within five working days after he/she has left Iowa.

The Iowa Interstate Unit will submit the report to the sending state and at that time notify them that the interstate case file is being closed.

Recommendation for Discharge*Policy*

Once Iowa accepts supervision of an out of state juvenile supervision must continue until he/she is discharged by the sending state or court of jurisdiction.

Procedure

The Department worker or probation officer may submit a recommendation for the juvenile's discharge by the sending jurisdiction to the Iowa Interstate Unit for forwarding to the other state at any time it appears feasible if the juvenile is residing with a legal parent. In this instance, the sending jurisdiction usually will consent to the discharge even if the juvenile has not been on parole or probation the minimal time required according to that state's requirements. However, if the court of jurisdiction has ordered restitution, the discharge usually will not be granted until this has been paid regardless of the juvenile's adjustment.

Comment

If a juvenile is not residing with a legal parent, the Iowa Interstate Unit will expect the sending jurisdiction to make legal and financial provisions for the minor, if he/she is to remain in Iowa, before discharge.

When the Iowa Compact Unit has confirmation from the sending jurisdiction that the juvenile has been discharged, the supervising person will be notified and the interstate case closed.

Placement of Iowa Compact Unit has confirmation from the sending jurisdiction that the juvenile has been discharged, the supervising person will be notified and the interstate case closed.

Placement of Iowa Juvenile Into Another State*Policy*

At the time it is determined that an Iowa juvenile adjudicated as "having committed a juvenile act" may be placed in another state, a referral shall

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Placement of Iowa Juvenile Into Another State (Cont.)*Policy* (Cont.)

be made to the Iowa Interstate Unit. All written communication must be in triplicate if it is intended for forwarding out of state. All interstate juvenile compact referrals must include:

1. Juvenile Compact Form IV, SS-9804-0, Parole or probation Investigation Request.
2. Current report indicating special needs, problems and current adjustment.
3. Social history.
4. Court Order of Adjudication.
5. Court Order of Disposition (if there has already been a dispositional hearing.)
6. Juvenile Compact Form 1A, SS-9102-3, Application for compact Services signed by the parent or guardian.
7. Juvenile Compact Form VI, SS-9301-3, Memorandum of Understanding and Waiver signed by the juvenile, parent or guardian, and the Juvenile Judge of Jurisdiction.

Comment

At the time the Iowa Interstate Unit sends the referral to the intended supervising state, it will request a response five weeks from the time it leaves Iowa. If the referral material does not contain the required information, the Iowa Compact Unit will determine whether the referral will be held pending additional information and notify the sender, or, refer on but notify the sender of the additional information needed and the sending state that the information is forthcoming. (The determination of referring or holding for additional information is made on the basis of whether the receiving state will initiate the referral before the complete information is received.)

Referrals for out of state placements usually take longer than intrastate. The Association of Juvenile Compact Administrators recommend that states allow a minimum of six weeks for Juvenile compact referrals. Therefore, the Department worker or probation officer should plan accordingly.

Placements Prior to Acceptance

There are special situations when it is not always possible to anticipate placement or to evaluate a placement prior to the juvenile leaving the state. These are:

1. The juvenile moves with his/her parents, foster parents or relatives to another state.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Placements Prior to Acceptance (Cont.)

2. The juvenile is informed of acceptance by the Job Corps and travel arrangements have been made by the Job Corps to a training site.
3. A juvenile escapes or absconds to a home and consideration may want to be given to the possibility for placement before it is determined that he/she should return to Iowa. (This situation should be considered only in very unusual circumstances since, in most cases, it has been found that these placements usually have not been successful.)

Report from Receiving State*Policy*

The report and acceptance or rejection of the receiving state will be transmitted to the person making the request at the time it is received in the Iowa Interstate Unit. If the receiving state denies placement, the juvenile shall not be sent.

Comment

If the intended placement is with a legal parent, the receiving state cannot deny placement. However, if the evaluation indicates that the parent's home may not be in the best interest of the juvenile, an alternative placement probably would want to be considered.

Plans for Placement*Policy*

At the time acceptance is given, arrangements can be made for placement by the Department worker or probation officer for placement. These plans shall be sent in writing to the Compact Unit prior to the placement date.

If the placement is not to be used, the Compact Unit shall be notified in writing so the other state can be informed and the interstate correspondence closed.

Procedure

Prior to the juvenile leaving Iowa, the Department worker, probation officer, or the Juvenile Court Judge at the dispositional or review hearing shall advise the juvenile and his/her parents that:

1. The Iowa Court still retains jurisdiction over him/her.
2. The supervising agency in the receiving state will be doing so as a courtesy to Iowa but may require additional expectations of him/her.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Plans for Placement (Cont.)*Procedure* (Cont.)

3. That he/she will be returned to Iowa for any violation, and a further disposition made, if so requested by the supervising agency.

Reports on Juvenile on Placement in Receiving State*Policy*

Arrival reports will be requested within four weeks after placement and quarterly reports thereafter. The Iowa Interstate Office will refer these reports to the Department worker or probation officer and follow-up with the supervising state if these reports are not received.

Absconding from Placement*Policy*

The Department worker or probation officer will be contacted by the Interstate Unit upon notification by the supervising state that a juvenile has absconded and at that time information will also be given as to whether he/she can return to the placement when located.

It will be the responsibility of the Department worker or probation officer to place any nationwide pick-up item on the juvenile.

If the juvenile is located by the supervising state, the Department worker or probation officer will be notified by the Interstate Unit. However, if the Interstate Unit has not been notified that the juvenile has been located after thirty days has elapsed, the supervising state will be advised to close their case by the Iowa Interstate Unit.

Comment

In this situation, if the juvenile is to be returned to Iowa, the procedures under Article V of this Compact must be followed.

INTERSTATE COMPACTSTHE INTERSTATE COMPACT ON JUVENILES (Cont.)Interstate Discharge*Policy*

The juvenile may be discharged from jurisdiction of the Iowa Court of jurisdiction when one or more of the following occurs:

1. The juvenile is residing with a legal parent and the supervising state recommends he/she be discharged.
2. The juvenile obtains majority age and/or is no longer under juvenile jurisdiction according to the Code of Iowa.
3. The juvenile is adjudicated delinquent and placed on probation or is committed to a delinquent institution in the supervising, or any other state.
4. The juvenile is convicted of a felony and sentenced as an adult in the supervising, or any other, state.
5. If the juvenile is residing with a person other than the legal parent and the Iowa court of jurisdiction, at the time the supervising state recommends discharge, has:
 - a. given legal authority to a person or agency in Iowa to assume legal responsibility for him/her and
 - b. provisions have been made to meet any financial costs for him/her until majority age or for as long as he/she resides outside of his/her state of legal residence, whichever comes first.

Procedure

When an interstate juvenile is discharged from the Iowa court of jurisdiction, the Iowa Compact Unit shall be notified in writing of the date of dismissal.

The Iowa Interstate Unit will notify the supervising state and the interstate case shall be closed.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

September 4, 2001

GENERAL LETTER NO. 13-N-3

ISSUED BY: Bureau of Permanency Services,
Division of Adult, Children, and Family Services

SUBJECT: Employees' Manual, Title 13, Chapter N, *INTERSTATE COMPACTS*,
Contents (page 1), revised, and pages 1, 2, and 3, revised.

Summary

Policy and procedures on the Interstate Compact for the Placement of Children are updated and removed from Chapter XIII-N, pending update of the rest of the chapter.

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title XIII, Chapter N, and destroy them:

<u>Page</u>	<u>Date</u>
Manual Letter XIII-N-1	January 13, 1998
Contents (p. 1)	January 29, 1985
Contents (p. 2)	November 20, 1979
1-13	November 20, 1979
14, 14a, 14b	January 29, 1985

Additional Information

Refer questions about this general letter to your regional service administrator.