



Employees' Manual  
Title 18, Chapter D(5)

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# **Interstate Compacts**

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Page

**Overview ..... 1**

    Legal Basis ..... 1

    Definitions ..... 1

**The Interstate Compact On Juveniles ..... 2**

    Procedures for Return of Runaways, Escapees or Absconders ..... 2

        Procedures for Return of an Iowa Runaway ..... 2

    Procedure for Filing of Requisition for an Involuntary Return ..... 5

        Verification of the Petition ..... 5

        Form I – Requisition for Runaway Juvenile ..... 5

    Hearing on the Requisition ..... 7

    Procedures for Requisition for Escapee or Absconder – Article V ..... 7

    Hearing on the Requisition for Return of Escapee or Absconder ..... 7

    Return of Runaways, Escapees, Absconders Found in Iowa ..... 8

    Detaining Juveniles in Iowa Awaiting Return under Articles IV, V, & VI ..... 8

    Responsibility of Local Department Workers or Probation Officers

        Arranging Return of an Out of State Runaway, Escapee or Absconder ..... 9

    Airport Surveillance by Iowa ..... 10

    Time Frame for Returning Juveniles by the Interstate Unit ..... 10

    Supervision of Out of State Delinquent Probationers or Parolees ..... 11

    Cost of Care of Special Needs ..... 13

    Placement with Parents ..... 13

    Placements Prior to Compact Referral ..... 13

    Placement of Out of State Juveniles ..... 14

    Responsibility of the Supervising Person ..... 14

    Reports to Sending States ..... 15

    Absconding from Placement ..... 15

    Return of Probation or Parole Agreement ..... 16

    Return to the Sending State ..... 16

    Recommendation for Discharge ..... 17

    Placement of Iowa Juvenile Into Another State ..... 17

    Placements Prior to Acceptance ..... 18

    Report from Receiving State ..... 18

    Plans for Placement ..... 19

    Reports on Juvenile on Placement in Receiving State ..... 19

    Absconding from Placement ..... 19

    Interstate Discharge ..... 20

## **Overview**

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**

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

**“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.

## **The Interstate Compact On Juveniles**

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

**Policy:** 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 in 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.

### **Procedures for Return of Runaways, Escapees or Absconders**

**Policy:** The Iowa Interstate Unit is responsible for assisting in coordinating the return of all runaways who are in custody or under guardianship of the Iowa Department of Human Services. The Interstate Unit will also assist in coordinating 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 County 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.

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 Compact Office will also assist, on referral from an Iowa court or probation department, in returning runaways, escapees or absconders found in Iowa.

### **Procedures for Return of an Iowa Runaway**

**Legal reference:** Iowa Code Section 232.139

**Policy:** The Interstate Compact Office 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.

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.

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.

If the juvenile is apprehended in another 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 using ground transportation.

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 en route.

**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;
3. Location where the juvenile is being held and type of facility;

4. Whether juvenile will sign voluntary consent to return; (see [18 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 travel 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 travel information is communicated.

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.

All the above information should be obtained before the Iowa Interstate Compact Office is contacted. The Iowa Interstate Compact Office will then negotiate with the Interstate Compact Office in the asylum state. When this has been completed, the local agency will be notified and travel arrangements may be made to return the juvenile. These travel arrangements should be shared with the Iowa Interstate Compact Office. If airline travel will be used, flight dates/times should be shared with the Interstate Compact Office to ensure that the asylum state is able to accommodate transportation to the airport and any surveillance is set up prior to tickets being purchased.

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

**Policy:** If 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 Human 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,, Petition for Requisition to Return a Runaway Juvenile, or, if this form is not available, as indicated under Articles IV and V.

#### **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 [18-Appendix](#) for an example of a Verification.

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

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.

#### **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 18-Appendix, [ICJ Requisition for Runaway Juvenile, Form I.](#))

All documents filed with the Petition, the Petition and the Requisition must be certified. The requisitioning court shall maintain one copy of these documents and shall send a copy to the Iowa Interstate Unit. It shall be the responsibility of the Iowa Interstate Unit to electronically route all documents filed with the Petition, the Petition and the Requisition to the Juvenile Compact Office in the asylum state and to ensure all documents are uploaded in the electronic file system.

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.

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 Compact Office 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 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 appropriate authority..

A copy of the issued requisition along with the required documentation must be sent to the Iowa Interstate Compact Office on any Requisition issued under this Article. The Requisition and supporting documents will be maintained in the Interstate Compact electronic data management system and routed 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 Iowa Interstate Compact office should be notified for intervention by the Attorney General.

Although Article V allows a 90 days detention of the juvenile to allow further substantiation of the Requisition by demanding state, the Iowa Interstate Compact Office 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 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 in [Procedures for Return of an Iowa Runaway](#).

### **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 Iowa Code Section 232.22.

**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 Compact Office 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 en route home. The responsibility for the juvenile remains with the local Iowa authority until the juvenile leaves the state.

**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 en route. (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 airline changes the schedule, the Interstate Compact Offices must be notified immediately.

When the juvenile boards 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 Juvenile Court Services office will be contacted periodically by the Interstate Compact Office to provide surveillance for another state. Except in emergency situations, the office 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 is from and then contact the Interstate Compact Office 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 Compact Office should be notified immediately.

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

**Policy:** The Iowa Interstate Compact Office 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 Compact Office as early as possible within the work day. States providing surveillance must have at least twenty-four hour notice and flight arrangements must usually be made between 10:00 A.M. and 4:00 P.M. during the work week.

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 Compact office 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 Compact Office 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 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. Airlines are becoming increasingly more reluctant to board these unaccompanied juveniles. Therefore, the Iowa Interstate Compact Office may appear not as expedient as it could be to the person responsible for a particular juvenile but the above factors must be considered.

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**

**Legal reference:** Iowa Code Section 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:** 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 Compact Office. The Iowa Interstate Compact Office has the responsibility for coordinating all situations with the Interstate Compact Offices in all the states and territories.

Delinquent state wards and delinquent probationers from another state will be referred by the Iowa Interstate Compact Office to the appropriate local Juvenile Court Services office for assignment for evaluation and recommendation regarding suitability of the placement and confirmation of acceptance of courtesy 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.

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 IA/VI, Application for Services and Waiver, signed by the granting authority; will not be forwarded locally in Iowa until the referral is in order. However, if it is determined by the Interstate Compact Office 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 Interstate Compact Office a date for response will be given that is within 45 days of receipt of the referral and will allow for at least four weeks for evaluation and recommendation regarding the placement. The completed report is to be sent to the Iowa Interstate Compact Office 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.)

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, unless there has been another person appointed as legal guardian for the juvenile.

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.

### **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.

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.

If it is determined that the juvenile should be returned to the sending jurisdiction, the Iowa Interstate Compact Office 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 Interstate Compact Office 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. The Iowa Interstate Compact Office should be notified in writing of these plans and, in turn will notify the local supervising person. 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 Compact Office needs to be notified.)

At the time the Iowa Interstate Compact Office 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 to the Iowa Interstate Compact Office for forwarding to the sending state. These shall include:

1. Quarterly progress reports.
2. Violation Reports.
3. Absconder Reports.
4. Recommendations for Discharge.

Violation reports should be completed and submitted to the Iowa Interstate Compact Office the next business day following 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. A Violation report with the following information should also be submitted to the Iowa Interstate Compact Office:

1. The juvenile's last known address and telephone number
2. The date of the last personal contact with the juvenile
3. A detailed explanation of how the determination was made that the juvenile had absconded and
4. Any pending charges in Iowa.

Once the Violation report has been received by the Iowa Interstate Compact Office, it will be reviewed and sent to the sending's state Interstate Compact Office.

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 Interstate Compact Office 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.

It will be the sending state's probation or paroling authority's responsibility to place any nationwide pick-up. At the time the Interstate Compact Office is contacted, information should be given of whether the juvenile 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 to the sending state, if the juvenile does not agree with this decision and refuses to waive hearing, the procedures as outlined in Iowa Code Section 232, Division II must be followed before the juvenile can be returned.

However, if the juvenile desires to return voluntarily to the sending state, 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 Iowa Code Section 232 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.

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 Compact Office must be notified immediately.

Although it may be possible for the sending authority to make plans for return of the juvenile within 24 to 48 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.

### **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 probation officer may submit a recommendation for the juvenile's discharge by the sending jurisdiction to the Iowa Interstate Compact Office for forwarding to the other state at any time it appears feasible if the juvenile is residing with a legal parent.

If a juvenile is not residing with a legal parent, the Iowa Interstate Compact Office 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 Interstate Compact Office 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 be made to the Iowa Interstate Compact Office. All interstate juvenile compact referrals must include:

1. Juvenile Compact Form IV, , 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/VI, Application for Service and Waiver. This form must be signed by a judge or legal authority.
7. Petitions and Arrest Reports

At the time the Iowa Interstate Compact Office sends the referral to the intended supervising state, it will request a response 45 days from the time it leaves Iowa. If the referral material does not contain the required information, the Iowa Interstate Compact Office 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 Interstate Commission for Juveniles 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.
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 Compact Office. If the receiving state denies placement, the juvenile shall not be sent.

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 should be considered.

### **Plans for Placement**

**Policy:** At the time acceptance is given, arrangements can be made for placement by the probation officer for placement. These plans shall be sent on Form V, Report of Sending State Upon Parolee or Probationer Leaving the Sending State, to the Interstate Compact Office prior to the juvenile leaving the state of Iowa.

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

**Procedure:** Prior to the juvenile leaving Iowa, the 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.
3. That he/she may 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:** Quarterly Progress reports will be requested from the receiving state starting 90 days after placement has been made and quarterly thereafter.

### **Absconding from Placement**

**Policy:** The probation officer will be contacted by the Interstate Compact Office 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 probation officer to place any nationwide pick-up item on the juvenile.

If the juvenile is located by the supervising state, the probation officer will be notified by the Interstate Compact Office. However, if the Interstate Compact Office has not been notified that the juvenile has been located after ten business days has elapsed, the supervising state may close the case.

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

### **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 Interstate Compact Office shall be notified in writing of the date of dismissal.

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