

## **Interstate Compact**

Revised 9/9/21

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### **AUTHORITY**

[Wis. Stats. 938.999](#)

[Wis. Stats.938.14](#)

[Rules of the Interstate Compact for Juveniles \(ICJ\)](#)

The cooperative supervision portion of the ICJ covers youth on county probation, county aftercare and state aftercare.

ICJ has the force and effect of federal law. The ICJ assists states in the return of youth who run away, escape or abscond across state lines. It also provides for the cooperative supervision of juvenile probationers and parolees between states. Wisconsin Statutes do not use the term "parolee" for a youth on community supervision following a period of confinement in a JCF.

Whenever state laws conflict with provisions of the ICJ, the ICJ supersedes the state laws.

For purposes of the ICJ, persons in Wisconsin under a commitment of a juvenile court are covered by the ICJ. Therefore, an individual under ICJ could be supervised even if more than 18 years of age.

## **INTERSTATE COMPACT DATA SYSTEM** [Back to Top](#)

Staff who are involved in the compact process shall work with the Deputy Compact Administrator in obtaining a data system account. Staff can refer to the following link to access the Interstate Commission for Juveniles home page: <https://www.juvenilecompact.org/>

## **DEFINITIONS** [Back to Top](#)

**Absconder:** a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

**Accused Delinquent:** a person charged with an offense that, if committed by an adult, would be a criminal offense.

**Accused Status Offender:** a person charged with an offense that would not be a criminal offense if committed by an adult.

**Adjudicated:** a judicial finding that a juvenile is a status offender or delinquent.

**Adjudicated Delinquent:** a person found to have committed an offense that, if committed by an adult, would be a criminal offense.

**Adjudicated Status Offender:** a person found to have committed an offense that would not be a criminal offense if committed by an adult.

**Affidavit:** a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

**Appropriate Authority:** the legally designated person, agency, court or other entity with the power to act, determine, or direct

**By-laws:** those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

**Commission:** a corporate body and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the ICJ.

**Commissioner:** the voting representative of each compacting state appointed pursuant to Article III of this Compact.

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

**Compact Administrator:** the individual in each compacting state appointed pursuant to the terms of this Compact, responsible for the administration and management of the

state's supervision and transfer of juveniles subject to the terms of this Compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

**Compacting State:** any state which has enacted the enabling legislation for this Compact.

**Counsel (Legal):** a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under this Compact.

**Court:** any court having jurisdiction over delinquent, neglected, or dependent children.

**Court Order:** an authorized order by a court of competent jurisdiction.

**Custodial Agency:** the agency which has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

**Defaulting State:** any state that fails to perform any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules.

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

**Demanding State:** the state seeking the return of a juvenile with or without delinquency charges.

**Deputy Compact Administrator:** the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this Compact responsible for the administration and management of the state's supervision and transfer of juveniles' subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this Compact.

**Designee:** a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of this compact, authorized by-laws, and rules.

**EBRV:** Evidence Based Response to Violations

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

**Executive Director:** The Commission's principal administrator (as defined in the Compact).

**Hearing:** any proceeding before a Judge or other appropriate authority in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.

**Holding State:** the state where the juvenile is located.

**Home Evaluation:** an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the juvenile and the community.

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

**Interstate Commission:** The Interstate Commission for Juveniles created by Article III of this Compact.

**Interstate Compact for Juveniles (ICJ):** the agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

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

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

**Juvenile Sex Offender:** a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state.

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

**Non-Delinquent Juvenile:** any person who has not been adjudged or adjudicated delinquent.

**Non-Offender:** a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

**Notice:** Advanced notification given to a party, either written or verbal, in regards to the future of an ICJ case.

**Petition:** a written request to the court or other appropriate authority for an order requiring that action be taken or a decision made regarding a juvenile stating the circumstances upon which it is founded.

**Physical Custody:** the detainment of a juvenile by virtue of lawful process or authority.

**Probation/Parole:** any kind of supervision or conditional release of juveniles authorized under the laws of the compacting state.

**Promulgate:** to put a law or regulation into effect by formal public announcement and publication.

**Receiving State:** a state to which a juvenile is sent for supervision under provision of the ICJ.

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

**Requisition:** a written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee, or accused delinquent.

**Residential Facility:** a staffed program that provides custodial care and supervision to juveniles.

**Retaking:** the act of a sending state physically removing a juvenile, or causing to have a juvenile removed, from a receiving state.

**Rule:** a written statement by the Interstate Commission promulgated pursuant to Article VI of this Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

**Runaways:** persons within the juvenile jurisdictional age limit established by the home state who have voluntarily left their residence without permission of their legal guardian or custodial agency but who may or may not have been adjudicated.

**Sanction:** requirement, including but not limited to detention time, imposed upon a juvenile for non-compliance with terms of supervision.

**Secure Facility:** a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.

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

**State:** a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

**State Committed (Parole):** Any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.

**Substantial Compliance:** Sufficient compliance by a juvenile with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state.

**Supervision:** the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile is required to report to or be monitored by appropriate authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the juvenile.

**Termination:** the discharge from ICJ supervision of a juvenile probationer or parolee by the appropriate authority.

**Travel Permit:** written permission granted to a juvenile authorizing travel from one state to another.

**Voluntary Return:** the return of a juvenile runaway, escapee, absconder, or accused delinquent who has consented to voluntarily return to the home/demanding state.

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

## **CORRESPONDENCE BETWEEN STATES**    [Back to Top](#)

All communications between states, whether verbal or written, on ICJ issues shall be transmitted between the respective ICJ Offices. Communication may occur between local jurisdictions with the prior approval of the ICJ Offices in both states. A summary of communication shall be provided to the ICJ Office and documented in COMPAS.

## **ELIGIBILITY FOR SUPERVISION**    [Back to Top](#)

No state shall permit a juvenile who is eligible for transfer under this Compact to relocate to another state except as provided by the Compact. A juvenile shall be eligible for transfer under ICJ if the following conditions are met:

1. is classified as a juvenile in the sending state; and
2. is an adjudicated delinquent, adjudicated status offender, or has a deferred adjudication in the sending state; and
3. is under the jurisdiction of a court or appropriate authority in the sending state; and
4. has a plan inclusive of relocating to another state for a period exceeding ninety (90) consecutive days in any twelve (12) month period; and

5. has more than ninety (90) days or an indefinite period of supervision remaining at the time the sending state submits the transfer request; and
6. will reside with a legal guardian, relative, non-relative or independently, excluding residential facilities; or is a full-time student at an accredited secondary school, or accredited university, college, or licensed specialized training program and can provide proof of acceptance and enrollment.

A request for the transfer of supervision for the sole purpose of collecting restitution and/or court fines is not permitted.

### **VICTIM NOTIFICATION FOR ICJ CASES**    [Back to Top](#)

1. Victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state.
2. When the sending state requires the assistance of the receiving state to meet these requirements, the sending state shall document the request in the initial packet using the. [Victim Notification Supplement Form](#).
3. It is the responsibility of the sending state to update the receiving state of any changes to victim notification requirements.

### **RESTITUTION AND COURT COSTS**    [Back to Top](#)

Juvenile restitution payments or court fines are to be paid directly from the juvenile/juvenile's family to the adjudicating court or agency in the sending state. The receiving state shall encourage the juvenile 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.

### **PROGRAMMING**    [Back to Top](#)

The sending state shall be financially responsible for treatment services ordered by the appropriate authority in the sending state when they are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, private insurance, or another payer. The initial referral shall clearly state who will be responsible for purchasing treatment services.

At the time of acceptance or during the term of supervision, the appropriate authority in the receiving state may impose conditions on a juvenile transferred under the interstate compact if that condition would have been imposed on a juvenile in the receiving state. The

receiving state may request the sending state to pay for additional services if any costs incurred from any conditions imposed by the receiving state shall not be the responsibility of the sending state. DJC agents requesting a sending state to pay for services shall submit a Compact Action Request including the type of service, why the services are necessary and the contact information for the service provider. If the sending state approves the request, the sending state will arrange payments directly with the service provider.

If a DJC youth needs services, a referral for programming can be made after staffing with CFS pending the sending state's response. If the programming includes a request for housing, this will have to be approved by the Regional Chief.

### **WISCONSIN AS SENDING STATE** [Back to Top](#)

A DJC youth can be on Type 2 or non-Type 2 status prior to placement in another state through the ICJ.

Legal jurisdiction of a juvenile may not be transferred across state lines through ICJ. Wisconsin retains jurisdiction over a youth sent to another state. However, the receiving state has the authority to act as Wisconsin's agent to provide cooperative supervision of the youth.

The ICJ cannot be used to request supervision in a U.S. state or territory that is not a signatory member of the compact, or in any foreign country. If placement of a youth in a non-signatory state or territory is being considered, consult the ICJ Deputy Compact Administrator to see if temporary special rules apply that would allow the supervision request to be made.

### **Transfer Request Requirements**

The agent should initiate the transfer by submitting the referral packet in the ICJ data system at least 90 days prior to the youth's anticipated release date from the JCF or departure from the state. Once the referral packet is submitted in the ICJ data system, the compact official will send it to the receiving state.

### **Referral Packet Includes:**



- Cover Letter Containing the Following:
  - Brief statement of why a placement out-of-state under the ICJ is appropriate.
  - Information about the prospective placement including:
    - Adjustment
    - Anticipated date for release from supervision.
    - Information alerting the receiving state if the youth is a sex offender and whether or not the youth is required to register with SORP in Wisconsin for previous sexual behavior.
    - Summary of the court order, restitution obligations and special treatment needs or service requirements. ( Including detailed information on the balance owed prior to departure from WI, and provide clear instructions about where to mail payments).
  - Whether the youth's parent or legal guardian resides in the receiving state.
  - Whether placement in the home of the youth's parent or legal guardian is appropriate.
  - Whether the youth wishes to receive post-secondary education in the receiving state.
  - [Form IV Interstate Compact for Juveniles Parole or Probation Investigation Request](#)
  - [Form IA-VI Interstate Compact for Juveniles Application for Services and Waiver](#)
  - Signature of youth: In the event that the youth is in the receiving state when the agent completes the form, the form can be submitted to the ICJ office without the youth's signature. The receiving state can obtain the youth's signature at a later date.
- Additional Documents to be included in the Request:
  - Petition(s) related to adjudication(s)
  - Signed court order(s)
  - Signed Rules (DOC-1741)
  - Probation Social Investigation (DOC-179)
  - School information if available
  - Medical or psychological information if available
  - Any supplemental information regarding the youth that could assist the receiving state in evaluating the placement.
  - Provide proof of enrollment in post-secondary education if applicable
  - COMPAS Bar Chart and Narrative

If a youth is a sex offender, include a safety plan, victim information, i.e. sex, age, relationship to youth and recommended supervision and treatment plan.

ICJ requires states to make all reasonable efforts to have the Home Evaluation Report completed within 45 calendar days of the referral by the sending state.

### **Transfer of Sex Offenders**

Regardless of registry requirements in Wisconsin, staff shall work with the Sex Offender Registry Program to determine registry requirements in the receiving state prior to submission of a transfer request.

1. When transferring a juvenile sex offender, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved, or reporting instructions have been issued by the receiving state.
2. When it is necessary for a juvenile sex offender to relocate with a legal guardian prior to the acceptance of supervision, and there is no legal guardian in the sending state, the sending state shall determine if the circumstances of the juvenile's immediate relocation justifies the use of an ICJ [Form VII Out-of-State Travel Permit and Agreement to Return](#), including consideration of the appropriateness of the residence. If approved by the sending state's ICJ Office, the following shall be initiated:
  1. The sending state shall provide the receiving state with an approved [Form VII Out-of-State Travel Permit and Agreement to Return](#) along with a written explanation as to why ICJ procedures for submitting the referral could not be followed.
  2. If not already submitted, the sending state shall transmit a complete referral to the receiving state within ten (10) business days of the [Form VII Out-of-State Travel Permit and Agreement to Return](#) being issued. The receiving state shall make the decision whether it will expedite the referral or process the referral.
  3. Within five (5) business days of receipt of the [Form VII Out-of-State Travel Permit and Agreement to Return](#), the receiving state shall advise the sending state of applicable registration requirements and/or reporting instructions, if any. The sending state shall be responsible for communicating the registration requirements and/or reporting instructions to the juvenile and his/her family in a timely manner.
  4. The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state. The receiving state shall have the authority to supervise juveniles pursuant to reporting instructions.

In addition to youth adjudicated in Wisconsin, the ICJ youth in Wisconsin must also register during DJC supervision and 15 years after discharge from DJC supervision:

- Any juvenile in Wisconsin on or after May 9, 2000, on supervision from another state under ICJ with an offense comparable to an offense in Wisconsin requiring registration. Registration must occur 10 days prior to entering Wisconsin.
- A youth required to register as a sex offender in another state or registered as a sex offender with the FBI who lives, works or attends school in Wisconsin on or after November 9, 2000.
- A youth found to have committed a comparable sex offense in another jurisdiction who lives, works or attends school in Wisconsin on or after November 9, 2000.
- ICJ Deputy Compact Administrator will forward all sex offender files to be reviewed by SORP for determination of placement on the registry. The agent will be advised of the decision.

### **Acceptance**

Once accepted the ICJ Deputy Compact Administrator sends the approved Home Evaluation Report to the DJC agent. When the DJC agent approves the receiving state's placement recommendation, he or she determines the youth's arrival date and coordinates travel arrangements with the youth's parents, guardian, or placement resource in the receiving state. DJC agent completes ICJ [Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State](#) and uploads it to the ICJ data system at least five working days prior to the youth's arrival in the receiving state and provides the youth with a copy. In the event that the youth does not go to that state, the DJC agent must notify the Wisconsin ICJ office in writing.

### **Rejection**

Supervision may be denied when the home evaluation reveals that the proposed placement is unsuitable or that the juvenile is not in substantial compliance with the terms and conditions of supervision required by the sending or receiving state. If the receiving state proposes an alternate placement but the sending state does not think that the receiving state's recommended placement is appropriate, the agent may refuse to allow the youth to go to the other state.

If the legal custodian does not live in the receiving state, the receiving state may reject a referral, but must provide the sending state with a valid reason. Supervision cannot be

denied solely on the basis of the juvenile's age or offense. Only the Compact Administrator for the receiving state has the authority to reject or deny a request for supervision.

If the transfer of supervision in the receiving state is denied, the youth shall return to the sending state within five business days. This time period may be extended up to an additional five days with the approval from both ICJ offices.

When placement of a youth with a person entitled to legal custody is not recommended in the receiving state, ICJ rules permit the sending state to proceed with the placement despite the concerns of the receiving state. When such a rejection is received, any additional information that can be provided to the receiving state shall be submitted. For example, additional contact information or placement resources.

### **Notice of Release/Transfer**

For DJC youth who are being released from a Juvenile Correctional Institution to supervision out of state, it is the responsibility of the DJC agent to notify the Status Keeper to complete and send the Notice of Release/Transfer of Youth to Community Supervision (DOC-1627/1626) to the DJC Interstate ICJ Deputy Compact Coordinator in order to comply with s.938.51.

### **Responsibilities of DJC When Youth is in Another State**

The receiving state is required to provide ICJ [Form IX Quarterly Progress, Violation, or Absconder Report](#) to DJC regarding youth's adjustment to supervision. The agent shall review the youth's progress and forward the report to the Status Keeper, who shall update Workload Manager. The agent shall update COMPAS notes to document the reports received/updates to youth's progress.

If a Wisconsin youth violates their rules of supervision, the agent in the receiving state will complete [Form IX Quarterly Progress, Violation, or Absconder Report](#). The Wisconsin DJC agent shall complete an EBRV, then staff with a CFS.

### **Return of Juveniles from ICJ Placement**

If it is determined necessary to return a juvenile and the ICJ [Form IA-VI Interstate Compact for Juveniles Application for Services and Waiver](#) has the appropriate signatures, no further court procedures will be required for the juvenile's return. The ICJ pre-signed voluntary waiver provides the due process requirements for this return. The DJC agent shall staff with CFS to determine how the youth will be returning to Wisconsin.

### **Early Discharge from Supervision**

Wisconsin, as the sending state, has the legal authority to discharge supervision. If the receiving state believes that a youth has complied with all terms of supervision, they can recommend that Wisconsin authorize discharge from supervision by submitting a Quarterly Progress Report. If Wisconsin agrees with the request for an early release, an Administrative Discharge must be completed and submitted for approval. If the discharge is approved by Administration, Wisconsin will submit ICJ [Form X Case Closure Notification Form](#). If Wisconsin disagrees with the early discharge recommendation the agent shall prepare a written memo on Department Letterhead justifying why supervision should be continued within 60 days. Failure to respond within 60 days may allow the receiving state to close the ICJ case.

If a juvenile is convicted of a crime and sentenced under the jurisdiction of the adult court in the receiving state and the adult sentence is longer than the juvenile sentence, the receiving state may close the ICJ case once it has notified the sending state by submitting [Form X Case Closure Notification Form](#), and provided the sending state with a copy of the adult court order.

### **Extension of Supervision Requests**

If extension of supervision is warranted, the sending state shall follow the proper extension procedures. Upon receipt of the Extension Order from the court, a Compact Action Request and the Order should be sent to the receiving state to inform them of the new discharge date.

## **WISCONSIN AS THE RECEIVING STATE** [Back to Top](#)

### **Legal Status of Juvenile in Wisconsin**

Legal jurisdiction of a juvenile may not be transferred across state lines through ICJ. Therefore, the sending state retains jurisdiction over a youth sent to Wisconsin; however,

Wisconsin has the authority to act as the sending state's agent to provide cooperative supervision of the youth.

A youth sent to Wisconsin must be on probation, parole, consent decree, or under the equivalent of a JIPS order as defined by the ICJ. DJC agents have the responsibility to directly supervise ICJ youth who are eighteen years or older on supervision from other states (probation and parole cases).

### **Assignment of Cases from Other States**

If a county provides its own aftercare, it also provides ICJ supervision of youth from other states up until the age of 18. When the youth reaches the age of 18, the case is transferred to a DJC State Agent. State agents will provide ICJ supervision in state aftercare counties. Corrections Field Supervisors will be notified of a request for Wisconsin to supervise by the Compact Administrator. At that time, the CFS will assign an agent to complete [Form VIII Home Evaluation](#).

### **Initiation of Request for Wisconsin to Supervise**

Requesting state sends a referral packet to the Wisconsin ICJ Office through the ICJ data system.

If it is recommended the ICJ case be sent to a DJC agent to have a Home Evaluation Report completed, the ICJ Deputy Compact Administrator will obtain a DOC number for the juvenile, assign the youth a temporary SID number and enter the youth into COMPAS. The ICJ Deputy Compact Administrator forwards paperwork within 5 working days to the appropriate DJC field supervisor who assigns an agent to conduct the Home Evaluation required by the ICJ. Only the authorized Compact Office staff shall accept or deny supervision of a juvenile by that state after considering a recommendation by the investigating agent.

The sending state shall maintain responsibility until supervision is accepted by, and the juvenile has arrived in, the receiving state.

State Committed (Parole Cases) – When transferring a juvenile parolee, the sending state shall not allow the juvenile to transfer to the receiving state until the sending state's request for transfer of supervision has been approved. When it is necessary for a State Committed

(parole) juvenile to relocate prior to the acceptance of supervision, the sending state shall determine if the circumstances of the juvenile's immediate relocation justifies the use of the [Form VII Out-of-State Travel Permit and Agreement to Return](#) including appropriateness of the residence. If approved by the sending state, the [Form VII Out-of-State Travel Permit and Agreement to Return](#) along with a written explanation as to why ICJ procedures for submitting the referral could not be followed. If the transfer requested has not already been submitted, the sending state shall provide the complete referral to the receiving state within 10 business days of [Form VII Out-of-State Travel Permit and Agreement to Return](#) being issued. The receiving state shall make the decision whether or not it will expedite the referral.

Probation Cases – When transferring a juvenile probation case there are times the juvenile will be residing in the receiving state already. The [Form V Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State](#) shall be forwarded prior to the relocation of the juvenile if possible.

### **Home Evaluation by DJC**

The ICJ recommends that [Form VIII Home Evaluation](#) be conducted prior to the transfer of the youth to the receiving state. It is possible that the youth has already gone to the receiving state, or was a resident of the receiving state when they committed the offense in the sending state. The Home Evaluation Report is completed to describe the home/neighborhood that the youth is requesting to reside along with who is residing at the proposed home. The agent should discuss what the proposed plan is for the youth to include but not limited to financial resources, education, compliance with ordinances specifically for sex offenders, employment and discussion as to how the court-ordered conditions/programming will be met. The agent has 30 calendar days to complete the Home Evaluation Report and submit it in the ICJ data system to the Compact Administrator. The Compact Administrator will review and either approve or reject the request and submit this decision to the sending state within 45 calendar days of the initial request.

### **Agent Recommendation**

[Legal Custodian Lives in Wisconsin](#)

Generally speaking, a Wisconsin agent cannot reject courtesy supervision of the juvenile when a parent/legal custodian lives in Wisconsin. The agent makes a recommendation based upon the information available at that time. If the Wisconsin agent has concerns regarding accepting, the agent shall staff with a Corrections Field Supervisor.

Per ICJ Rule 5-101(5), if the juvenile does have a custodial parent or legal guardian residing in Wisconsin, and does not have a custodial parent or legal guardian remaining in the sending state, supervision shall be accepted.

#### Legal Custodian Does Not Live in Wisconsin

The agent shall recommend to the Compact Administrator that the referral be accepted or rejected. The agent shall provide a valid reason for recommending rejection of the referral. Supervision cannot be denied solely on the basis of the juvenile's age or offense.

#### **Supervision of ICJ Youth in Wisconsin**

Interstate Commission Rules require that out-of-state youth supervised under ICJ in Wisconsin receive the same supervision and services as Wisconsin youth. Contact standards will be based on risk levels determined by COMPAS assessments. Agents shall complete the intake process by ensuring the Intake Checklist is completed within the first 30 days of youth's arrival. If a youth does not have a Wisconsin SID number, the agent shall ensure the youth provides fingerprints to the appropriate law enforcement agency per office procedures. Once it is confirmed that the fingerprint process is complete, the agent shall complete a DOC-1410 and submit it to the Regional Program and Policy Analyst. The Regional Program and Policy Analyst shall complete the Portal 100. The Regional Program and Policy Analyst shall notify the agent of the youth's WI SID number. The agent shall forward the WI SID number to the Status Keeper to update in appropriate programs.

#### Legal Ability of DJC to Apprehend and Detain an Out-of-State ICJ Youth

Per ICJ Rule 4:104(2), Wisconsin has the legal ability to apprehend and detain ICJ youth in secure detention or jail if we detain Wisconsin youth under similar circumstances. The youth's signature on the ICJ [Form IA-VI Interstate Compact for Juveniles Application for Services and Waiver](#) provides authorization and indicates an understanding that failure to abide by their rules of supervision may result in imposition of sanctions by the sending or



receiving state. This signed form also provides documentation for Wisconsin's authority to request that a youth be taken into custody and detained. Any costs associated with an ICJ detention or sanction that WI imposes is the financial responsibility of WI.

Sex offender youth shall be evaluated using the J-SOAP II within 30 days after supervision is approved and at least every six months after.

Under ICJ, fees may not be imposed for supervision of out-of-state youth.

### **Quarterly Progress Reports**

DJC agents shall complete ICJ [Form IX Quarterly Progress, Violation, or Absconder Report](#). Once completed, agents shall send to their CFS for review who shall submit to the Compact Administrator along with the Status Keeper who will enter this task completed in Workload Manager.

### **Youth Violation of the Conditions of Supervision**

If a youth violates the conditions of supervision the agent shall promptly complete ICJ [Form IX Quarterly Progress, Violation, or Absconder Report](#) and include any additional reports (i.e. police reports, statements etc.). The agent shall staff what recommended action is being requested and ensure this is noted on the violation report. DJC may recommend that the juvenile be returned to the sending state for revocation proceedings, but the sending state decides whether or not to revoke youth's supervision. DJC cannot request revocation until the youth is available for the sending state to take back. DJC may impose graduated sanctions as appropriate, as an alternative to requesting return of the youth to the sending state. The Compact Administrator shall forward this to the sending state who will decide how to proceed.

If a youth under ICJ supervision in Wisconsin absconds, the DJC agent shall prepare ICJ [Form IX Quarterly Progress, Violation, or Absconder Report](#). After 10 business days Wisconsin can close the case by submitting ICJ [Form X Case Closure Notification Form](#).

### **Return of DJC Escapees and Absconders**

#### Overview

ICJ governs the return of absconders and escapees to their home state. For purposes of this section, “home state” will mean the state where the youth is under supervision. “Holding state” will mean the state that has physical custody of the youth.

#### Apprehension of DJC Escapees and Absconders Outside of Wisconsin

A DJC youth who is on supervision in Wisconsin absconds from aftercare or escapes from a JCF or Type 2 supervision to another state.

A Wisconsin juvenile may be apprehended in the following ways:

- Juvenile is picked up by police in another state.
- If the DJC agent knows the whereabouts of the youth, the requisition form described below should contain the location of the juvenile. The Judge in the holding state will issue an order for the youth to be brought into custody.

The DJC agent is notified that the youth has been apprehended in another state. The juvenile court in the holding state will schedule a hearing to inform the youth of his or her legal right to consent to or to refuse to return to Wisconsin. The Judge may appoint an attorney for the youth. The youth’s decision at the hearing determines whether he or she returns to Wisconsin voluntarily or involuntarily.

#### Voluntary Return of a Youth to Wisconsin

- When the youth consents in juvenile court in the holding state to return to Wisconsin, the Judge and the youth sign ICJ [Form III Consent for Voluntary Return of Runaway, Absconder or Escapee](#).
- Juvenile court Judge will order that the youth be returned to Wisconsin or that the youth return unaccompanied.
- DJC agent’s supervisor determines how the youth will be returned and whether he or she will be escorted. The DJC field office bears the responsibility for the costs and arrangements of returning the DJC youth to Wisconsin.
- When the ICJ Deputy Compact Administrator receives the signed ICJ Form III Consent for Voluntary Return of Runaway, Absconder or Escapee, he or she will advise the DJC agent to make arrangements for the youth’s return to Wisconsin.
- If the youth is not returned to Wisconsin within 5 working days, the holding state can release the youth. This time period may be extended up to an additional five (5) working days with approval from both ICJ Offices.

### Involuntary Return of a Youth to Wisconsin: Requisition Procedures

If the youth refuses to consent to return to Wisconsin, juvenile requisition procedures must be followed, which are similar to adult extradition.

- Juvenile court worker in the holding state will notify the holding state's ICJ office of the refusal to consent to return.
- Holding state's ICJ office will contact the Wisconsin ICJ office informing the ICJ Deputy Compact Administrator of the youth's refusal to consent to return.
- Wisconsin ICJ Deputy Compact Administrator will notify the DJC agent of the youth's refusal to sign the consent form.
- DJC completes ICJ [Form II Requisition for Escapee, Absconder, or Accused Delinquent](#) when charged with being delinquent and submits it to the Wisconsin ICJ Office.
- Requisition is addressed to the juvenile Judge in the jurisdiction where the youth is located.
- Compact Administrator signs before a notary the requisition as the Compact Official entitled to the juvenile's return.

A requisition with original signature must be accompanied by a certified copy of the adjudication, disposition order, and the rules of supervision.

### Return Procedure

- The Wisconsin ICJ office will upload the packet into the ICJ data system and workflow this to the holding state's ICJ office.
- Under the ICJ, a youth may be held in secure detention for up to 90 days pending the completion of the requisition process.
- If the judge in the holding /asylum state deems that all of the paperwork is in order, the youth will be ordered to return to Wisconsin.
- DJC Field Office (agent/agent's supervisor) is responsible for the costs of transportation, for making transportation arrangements and for the return of DJC youth to Wisconsin within five (5) working days. This time period may be extended up to an additional five (5) working days with approval from both ICJ Offices.
- The ICJ Deputy Compact Administrator will communicate to the holding state the transportation arrangements made by the DJC agent.

### Transportation of Youth and Public Safety

Youth Requiring Escort: Youth who are returned to the sending state pursuant to a Requisition Agreement or who are considered to be a risk to themselves or others shall be accompanied on the return by the sending state. In other situations, the juvenile may travel without an escort.

DJC agent may be asked to accompany a juvenile in the following circumstances:

- Escort DJC juvenile back to Wisconsin who escaped or absconded from Wisconsin to another state.
- Escort an out-of-state youth to an airport, bus or train station for return to his or her home state.

#### Airport

- A DJC agent who is accompanying a youth to an airport should take the following steps:
- Coordinate the ticketing procedure with the ICJ Deputy Compact Administrator.
- Allow sufficient time for check-in (For air travel, arrive at the airport 1 1/2 to 2 hours prior to departure.)
- Remove handcuffs/restraints prior to entering the airport.
- Check all bags and medication.
- Provide the youth with a copy of Form III Consent for Voluntary Return of Runaway, Absconder or Escapee.
- Remain at the gate until the flight/trip is airborne/ on route.
- Do not reschedule a flight without confirmation from the Wisconsin ICJ office.

Automobile: When transporting a youth by automobile, the DJC agent must comply with [DJC Policy 100.05.01](#).

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