

XIV. INTERSTATE COMPACT ON JUVENILES

A. Code Section: O.C.G.A. §39-3-2

B. Uniform Juvenile Court Rule: None

C. Procedure:

1. Target Population. Any juvenile who (1) has run away without consent of a parent or legal guardian, (2) is placed on probation and desires to reside in another state, (3) has absconded from probation or escaped institutional care and is located in a party state, (4) requires institutional care and specialized services available in a party state, or (5) is charged with being a delinquent by reason of a violation of any criminal act and is located in another state.

2. Purpose of the Compact. The Compact was developed because juveniles in need of court supervision who are placed out of their home states, and runaway youth who run to another state need to be assured of the same protection and services that would be provided if they remained in their home states. The Compact consists of 15 basic Articles which define the procedures to be utilized when carrying out this purpose.

3. Application. All 50 states, the District of Columbia, the Virgin Islands, and Guam have ratified the Compact. The law of the state from which the juvenile originally comes is the law to be applied. Costs of transferring and assuming custody are paid by the state of residence of the child.

4. Administering the Compact. The Governor in each state designates a Compact Administrator. The Compact Office is the central clearing point for all requests for transfer of supervision for probation of juveniles moving from one state to another. In most states it also oversees the supervision of probation until the juvenile is discharged or supervision is terminated for some other reason.

5. Procedures for Transfer and Termination of Supervision. At the time it is determined that a delinquent juvenile may be transferred from one state to another, a referral is sent to the office of the Compact Administrator. The Compact Office reviews the referral material and sends it to the receiving state. Upon receipt of the request, the juvenile authorities in the receiving state initiate contact with the proposed placement resource for the juvenile to assess the individual/family's ability to provide the necessary support and supervision. If the placement is found to be suitable, the receiving state then notifies the sending state in writing that the request for placement and supervision has been accepted. The receiving state must accept a delinquent juvenile if the parent or legal guardian resides in that state.

a. Duties of sending and receiving states. The adjudication of delinquency and the conditions of probation are set by the sending state. Supervisory progress reports are submitted in writing by the receiving state regularly through the Interstate Compact offices to the court retaining jurisdiction.

b. Termination of probation. The decision to terminate a juvenile's probation is made by the sending state. However, when it is felt to be appropriate, a recommendation for termination can be sent to the sending state prior to the expiration date. If the court authorities in the sending state agree, termination orders are issued in the sending state.

6. Procedures for Return of Runaways and Escapees. A state's Compact Office should be notified when a runaway child is picked up in another state. The Compact Office in the holding state is then contacted to find out the following information:

Is the juvenile free to return to the home state or are there charges against him/her in the other state which will delay return?

Will the juvenile sign a Consent for Voluntary Return - Form III?

Are there problems to indicate that an escort is needed?

If the child is not willing to return voluntarily, what are the reasons? Has neglect or abuse been alleged by the juvenile?

Who are the people to contact to relay information and travel plans?

Where is the juvenile being held?

a. Informal procedure for return. If the child is willing to return, a travel plan is made and relayed to the Compact Office in the home state. Sometimes, parents make the necessary arrangements. Follow up services are sometimes recommended to the home state of those juveniles returned with behavior problems, delinquent acts, family relationship difficulties, or abuse or neglect issues. This informal method of returning runaways is used in the majority of cases because it is faster.

b. Formal procedure for return. If runaways cannot be returned informally, compact requisition forms can be completed and forwarded to the Compact Office where the child has been found. The requisition forms give authorization for the juvenile to be picked up and detained or placed in shelter care. A court hearing is then held in the holding state and the judge decides whether the youth should be returned to his/her home state. Notification is given to the appropriate authorities as to the outcome of the hearing and transportation arrangements are made if necessary.

ICPC FORMS

Form IA-VI — Application for Compact Services

This form is signed by the juvenile and his/her parent and witnessed by a probation officer before the juvenile moves to another jurisdiction. It also requires the judge's signature.

Form IV — Parole or Probation Investigation Request

This form is the official request for an investigation of the situation and transfer of supervision. It is directed to the Compact Office.

Form V — Report of Sending State Upon Probationer Being Sent to Another State

This form is the official notification of the placement date, time of arrival, mode of transportation and destination of a juvenile being sent from the sending state. It is usually sent after the receiving state has completed an investigation and agreed to accept supervision.

Form A — Petition for Requisition to Return a Runaway Juvenile

This form is used to petition the court exercising juvenile jurisdiction to issue a requisition for the return from another state of a child who is not delinquent. The form is signed by the parent, legal custodian or agency entitled to custody and must be notarized. It must be accompanied by documentation of the petitioner's legal right to custody, such as a birth certificate.

Form I — Requisition for Runaway Juvenile or Child Removed from Jurisdiction of Court

This form is signed by a judge exercising juvenile jurisdiction and is directed to the appropriate authority in the holding state. It should be authenticated by the court seal.

Form II — Requisition for Escapee or Absconder or Juvenile Charged with Being Delinquent

This form is used to request the return of a juvenile who is on probation, is committed, or is charged with being a delinquent. It must be accompanied by two certified copies of the court order or petition.

Form III — Consent for Voluntary Return by Runaway, Escapee, or Absconder

This form is signed by the juvenile who has run away or escaped and is willing to return voluntarily to his/her home state. It is signed in the presence of the judge.

ABOVE FORMS ON FILE AT CJCJ OFFICE. CALL 404-657-5020 FOR COPIES.