



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part III – Youth Services (Community)



*Subject:*

#### Placement/Return of Youth on Interstate Compact

*Section – Policy Number:*

**C: Case Planning & Review – 4.0**

*Supersedes:*

**III-C-4.0 (03/07)  
II-G-1.0 (03/06)**

*Effective Date:*

**05/29/2012**

*Date of Last Review:*

**05/29/2016**

#### Related Standards and References:

- [ORS 417.010](#) through ORS 417.080 (Interstate Compact on Juveniles)
- [OAR 416-115](#) (Interstate Compact)
- [Interstate Commission for Juveniles \(ICJ\) Rules](#)
- [Interstate Commission for Juveniles](#)
- OYA policy: [III-D-2.1](#) (Youth Transports and Escorts within the Community)
- JJIS policy: [Interstate Compact on Juveniles - ICJ](#)
- OYA form: [YA 2228](#) (Travel Expense Sheet)
- Interstate Commission for Juveniles ([ICJ forms](#))

#### Related Procedures:

- [COM III-C-4.0](#) Interstate Compact

#### Policy Owner:

Community Services Assistant Director

#### Approved:

  
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## I. PURPOSE:

This policy provides guidelines for OYA staff when conducting the authorized transfer of supervision and care, and the return of juveniles from one state to another as governed by the Interstate Compact for Juveniles (ICJ).

## II. POLICY DEFINITIONS:

**Abscorder:** A juvenile on probation or parole who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

**Demanding State:** The state having jurisdiction over a juvenile seeking his/her return with or without pending delinquency charges.

**Deputy Juvenile Compact Administrator:** An Oregon Youth Authority employee appointed by the OYA director to serve as the general coordinator of activities and rule and policy development to carry out the terms and provisions of the ICJ.

**Escapee:** A juvenile who has made an unauthorized flight from a facility or agency's custody to which the juvenile has been committed by the court.

**Escort:** The staff responsible for supervising and accompanying the youth during a transport from a holding state to Oregon.

**Holding State:** The state having physical possession of a juvenile.

**Home State:** The state where the parent(s), guardian(s), person, or agency having legal custody of the juvenile is residing or undertakes to reside.

**Juvenile:** Any person within the juvenile jurisdictional age limit of any court in the home/sending state, or any individual adjudicated delinquent within the home/sending state and who remains under custodial care or community supervision of the juvenile authority.

**Juvenile Compact Commissioner:** The Assistant Director of Community Services is appointed by the OYA Director to serve as the general coordinator of activities and rule and policy development to carry out the terms and provisions of the Compact for Oregon. The Juvenile Compact Commissioner is the voting representative for the state of Oregon with the Interstate Commission for Juveniles.

**Receiving State:** A state to which a youth is sent for supervision under provisions of the Compact.

**Referral Packet:** The initial documentation of Compact forms necessary to request Compact services

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

**Youth:** A person in the legal and physical custody of OYA, either in an OYA facility or placed in the community under supervision.

### III. POLICY:

The Interstate Compact on Juveniles (Compact) is legislation enacted by member states to govern the transfer of supervision of juveniles, temporary travel of defined youth and return of juveniles who have absconded, escaped, fled to avoid prosecution or run away. As a member of the Compact, the State of Oregon cooperates with other member states to promote, develop and facilitate a uniform standard that provides for the welfare and protection of juveniles, victims and the public.

This policy provides general standards for staff applying the Compact to juveniles subject to the terms of the Compact. Specifically, this policy provides a course of action when requesting supervision services from another state, providing supervision of a youth from another state, the return of absconders and escapees from another state and special circumstances that pertain to executing the Compact.

#### **IV. GENERAL STANDARDS:**

##### **A. Interstate Compact on Juveniles in Oregon**

1. The Compact applies to all juveniles subject to some form of supervision designated by the juvenile's home state and fall into one of the following categories:
  - a) A juvenile charged with an offense that if committed by an adult would or would not be a criminal offense;
  - b) A juvenile adjudicated on an offense that would or would not be a criminal offense if committed by an adult; or
  - c) A juvenile subject to the jurisdiction of their home state and under some form of supervision but has not been charged or adjudicated as a status offender or delinquent.
2. The Deputy Juvenile Compact Administrator must provide interpretation of the Compact and coordinate all referrals or requests to:
  - a) Permit out-of-state supervision of a youth when eligible for parole or probation;
  - b) Provide for the return of absconders, escapees and non-adjudicated/non-delinquent runaways to the home state;
  - c) Extradite a youth who has committed a serious criminal offense and fled to another state before the court took jurisdiction;
  - d) Return juveniles when the Compact placement has failed; and
  - e) Coordinate travel permits for juveniles from Oregon or sending states.
3. All communication between states on Compact cases, whether verbal or written, must be between designated Compact staff.
  - a) OYA staff must have prior approval from the Deputy Juvenile Compact Administrator to communicate with local Compact jurisdictions for a specific purpose.
  - b) Staff must follow the rules and policies of the receiving state regarding release of confidential information. Any questions concerning the release of confidential information may be directed to the Juvenile Compact Commissioner and the Deputy Juvenile Compact Administrator.

## B. Standards for OYA staff

1. Sending a youth to another state
  - a) A youth's juvenile parole/probation officer (JPPO) may initiate a request for supervision to another state by completing an ICJ referral packet as outlined in ICJ rules ([Rule 4-102: Sending and Receiving Referrals](#)).
  - b) The JPPO must send a completed referral packet to the Deputy Juvenile Compact Administrator. E-mailing the referral packet is preferred. If mailed, there must be three hard copies of the referral packet enclosed.
  - c) Only the receiving state's Juvenile Compact Administrator, or designee, has the authority to accept or deny supervision of a juvenile by that state.
  - d) The Deputy Juvenile Compact Administrator must notify the JPPO when the referral has been accepted or denied by the receiving state. A copy of the completed home study must be forwarded to the JPPO with the receiving state's reporting requirements attached.
  - e) The JPPO must notify the Deputy Juvenile Compact Administrator at least five working days before the youth departs to the receiving state. This notification must be in writing using [ICJ Form V](#) (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State).
2. Receiving an offender from another state

The Deputy Juvenile Compact Administrator must forward requests for home studies from a sending state to the appropriate OYA field supervisor for assignment.

- a) OYA staff will complete home studies for juveniles on parole using [ICJ Form VIII](#) (Home Evaluation).
- b) The field supervisor must ensure the home study is completed within 30 days of receiving the request. The completed study must be forwarded to the Deputy Juvenile Compact Administrator.
- c) If Compact supervision is authorized, the field supervisor must designate a JPPO responsible for supervising the juvenile. The JPPO must be identified in the home study report.

3. Supervision

- a) JPPOs must supervise Compact youth in the following manner:
- (1) If the length of supervision is scheduled to exceed 90 days, the JPPO must complete an OYA Risk Needs Assessment within 30 days of the youth's placement in Oregon. The RNA will verify the youth's risk and treatment needs.
  - (2) The sending state is financially responsible for treatment services it requires.
    - (a) OYA Compact staff may request the sending state provide financial resources for identified risks/treatment needs.
    - (b) If the sending state declines to pay for identified treatment needs, the JPPO may work with the youth's family to pursue the following alternative resources:
      - (i) Funding from third party insurance;
      - (ii) Additional resources from the youth's family; or
      - (iii) Other state and community resources.
    - (c) The JPPO must document in the youth's case file if the sending state declines to provide appropriate resources to address the youth's identified treatment needs.
  - (3) The risk and treatment needs must drive the youth's level of supervision. The JPPO must have a minimum of monthly face-to-face contact with the youth.
  - (4) The JPPO must complete a quarterly written progress report using [ICJ Form IX](#) (Quarterly Progress or Violation Report) and e-mail it to the Deputy Juvenile Compact Administrator for distribution to the sending state. If the progress report is mailed, three hard copies are required.
  - (5) Field supervisors must perform quarterly audits of all Compact transfer cases.

- b) Staff must document the youth's criminal history and important contact information in JJIS.

JJIS policy and OYA field procedure [COM III-C-4.0](#) describe the location and type of information to be entered into JJIS.

- c) The sending state has sole authority to discharge/terminate supervision.
  - (1) The JPPO may submit a request to the Deputy Juvenile Compact Administrator for the sending state to release the youth from supervision.
  - (2) Upon notice of discharge, termination or expiration of supervision, the JPPO must complete [ICJ Form IX](#) (Quarterly Progress or Violation Report) as a final summary of the youth's progress. The final summary must be sent to the Deputy Juvenile Compact Administrator for distribution to the sending state.

#### 4. Travel Permits

- a) Travel permits may be issued under the following circumstances:
  - (1) To test a proposed placement.
    - (a) Travel permits must be included in the initial referral packet on OYA probation youth and be received by the receiving state at least 30 days prior to the date of travel.
    - (b) Travel permits for OYA parole youth and any juvenile sex offender must not be issued by OYA prior to the receiving state authorizing supervision.
    - (c) When testing a proposed placement, travel permits may only be approved for 30 days or less at a time. These travel permits must not exceed 90 total days.
  - (2) Travel to another state that requires the youth stay for reasons other than to test a proposed placement (e.g., visit with relatives, vacation, school, work).
    - (a) A safety and supervision plan must be submitted with the travel permit. This plan may include but not be limited to the following information:

- (i) A specific travel itinerary with dates of arrival and departures;
  - (ii) A daily schedule including the adult(s) responsible for providing supervision;
  - (iii) A list of anticipated locations (lodging, recreation, places the youth will visit) the youth will be during the trip;
  - (iv) A list of places and locations the youth must avoid during the trip; and
  - (v) Reporting expectations of the youth to the JPPO.
- (b) Travel permits for the purpose of visiting another state may only be approved for 30 days or less at a time. These travel permits must not exceed 90 total days.

When travel exceeds 30 days, the sending staff must provide specific reporting instructions for the youth to maintain contact with his/her supervising agency.

- (3) The JPPO or designee must use the [ICJ Form VII](#) (Travel Permit) to document travel permits. The form must be signed by the youth, JPPO, and field supervisor.
- (4) Signed travel permits must be forwarded to the Deputy Juvenile Compact Administrator for review and authorization by the Juvenile Compact Commissioner or designee.
- (5) Travel permits must be submitted at least 10 days prior to the travel date to allow adequate time for the authorization by the sending and receiving states. Exceptions may be made for emergency situations only.

## 5. Sex Offenders

- a) Juvenile sex offenders must not transfer to another state before the receiving state has notified the Deputy Juvenile Compact Administrator that supervision has been approved.
- b) Staff must notify youth sex offenders (including those traveling to another state on a travel permit) that they must abide by the registration laws in the receiving state. Youth

who fail to register are subject to the laws of the receiving state.

- c) Travel permits for youth sex offenders must be sent by the Deputy Compact Administrator to the receiving state at least two full business days prior to the youth's departure.
  - (1) The receiving state must issue reporting instructions before the travel permit can be granted to a sex offender.
  - (2) The Deputy Compact Administrator must provide reporting instructions from the receiving state to the JPPO for review with the youth and supervising adult.
- d) Staff must ensure referrals for supervision on OYA youth sex offenders clearly delineate treatment services and monitoring conditions.
- e) Staff must follow statutorily-mandated progress reporting requirements of the sending state that exceed the frequency of quarterly reports.

## 6. Warrants

- a) Upon being notified that an OYA youth has been placed in custody outside of Oregon pursuant to a warrant issued by Oregon, the Deputy Juvenile Compact Administrator must notify the holding state within two working days to determine if the warrant will be honored.
- b) The Deputy Juvenile Compact Administrator must coordinate with the holding state to ensure the return of the youth within five working days of the youth's due process rights being met.
- c) Holding states are not reimbursed for costs related to the detention of youth unless the ICJ office of jurisdiction has not demonstrated a good faith effort to affect the return of the youth within five working days.

## 7. Return of escaped/absconded youth to Oregon

- a) When an escaped or absconded youth is apprehended in another state, the Deputy Juvenile Compact Administrator must contact the appropriate field supervisor.
- b) The Deputy Juvenile Compact Administrator is responsible for coordinating the return of the youth with the holding state including arranging travel for the youth and escorting staff.

The Deputy Juvenile Compact Administrator must provide a travel itinerary for the JPPO or designee executing the transport.

- c) The Deputy Juvenile Compact Administrator, in consultation with the field supervisor, must determine if the youth is to be escorted during the transport and the needed level of security.
- d) Staff transporting a youth via commercial airline must follow OYA policy [III-D-2.1](#) (Youth Transports and Escorts within the Community) section IV.F. (Secure Commercial Airline Transports).

Staff must also carry the following types of youth identification in a temporary secure transport file to assist in identifying the youth during air travel:

- (1) Photo identification if available;
  - (2) Notarized OYA JJIS Face Sheet with photo;
  - (3) ICJ Form III (Consent for Voluntary Return of Out-of-state Juvenile); and
  - (4) Any other available identification documents (e.g., birth certificate, social security card, school identification).
- e) OYA is responsible for transportation costs incurred in returning the youth.
    - (1) Travel expenses (e.g., lodging and meals) are reimbursed through the Compact and will be paid according to current collective bargaining agreements and state travel policy.
    - (2) Staff must submit a YA 2228 b (Travel Expense Sheet) for expense reimbursement.
    - (3) Wages and overtime are the responsibility of OYA and must be approved by the field supervisor according to current collective bargaining agreements and state policy.

8. Custody Transfer

Holding states are responsible for transporting the youth to the nearest local airport or other means of transportation as arranged by the Deputy Juvenile Compact Administrator.

- a) Transporting staff must maintain custody and supervision of the youth from arrival to departure.
- b) The holding state must provide an [ICJ Form III](#) (Consent for Voluntary Return by Runaway, Escapee, or Absconder) to the escort assuming custody for the receiving state.

The holding state must ensure the following information is contained on the form:

- (1) A description of the youth's behavior while in custody;
  - (2) A description of any mental health issues, particularly suicidal behavior, concerning the youth while in the holding state's care;
  - (3) A description of any health concerns; and
  - (4) A description of any perceived risks to the safety of the escort or youth during the transport.
- c) OYA staff assuming custody of a youth in a holding state must show the staff member's official OYA photo identification to the holding state escort prior to assuming custody.

**V. GENERAL OYA PROCEDURE REQUIRED: YES**

The general procedure addresses staff roles regarding:

- A. Out-of-state requests for placements;
- B. Travel permits; trial placement visits; and
- C. Supervision and case planning.

**VI. LOCAL OPERATING PROTOCOL REQUIRED: NO**