

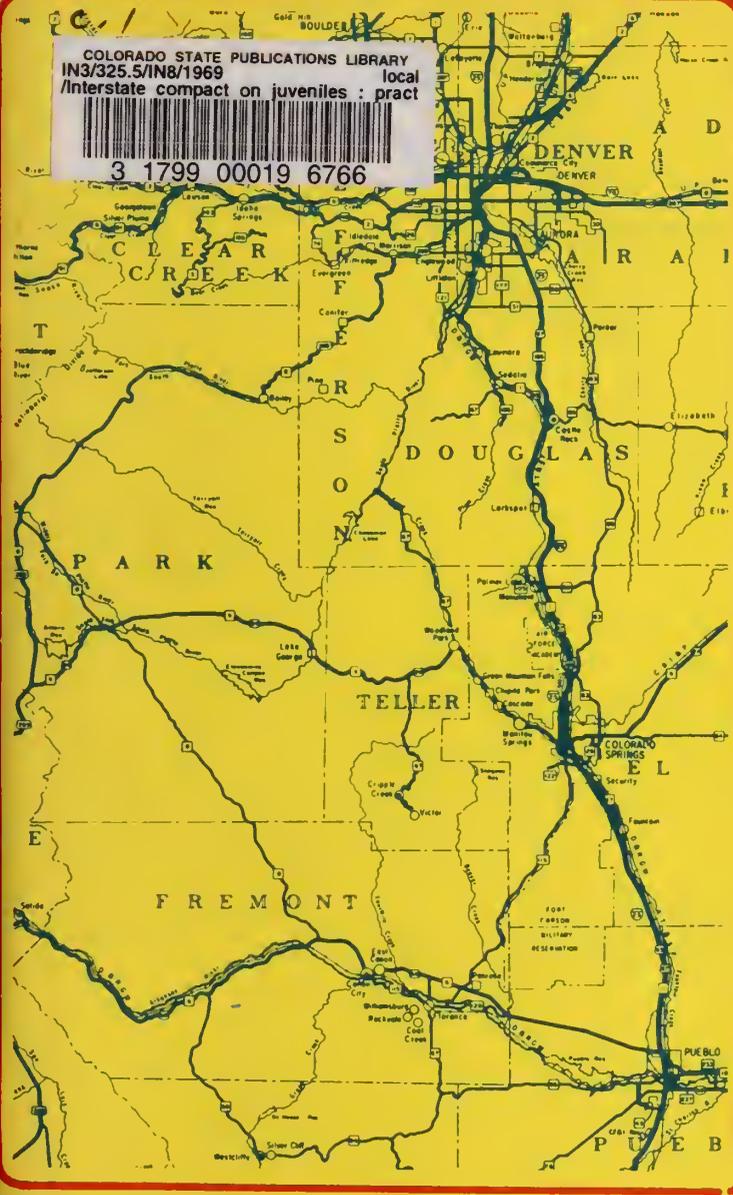
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juveniles

PRACTICE AND PROCEDURES

STATE OF COLORADO
JOHN A. LOVE
GOVERNOR



State of Colorado

JOHN A. LOVE
Governor

DEPARTMENT OF INSTITUTIONS
State Services Building
Denver, Colorado 80203

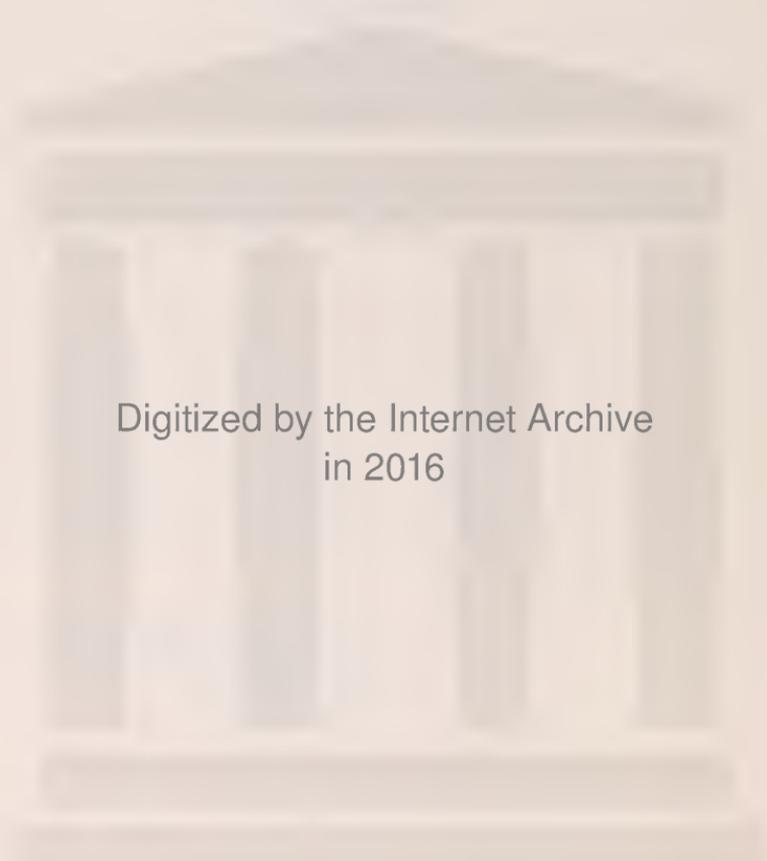
HILBERT SCHAUER
Executive Director

May 1970

The staff of the Colorado Interstate Compact on Juveniles has prepared this manual to assist in the planning and placement of young people in our charge. We hope that judges and probation and parole counselors will find it helpful.

A handwritten signature in cursive script, reading "Hilbert Schauer".

Hilbert Schauer
Compact Administrator



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HISTORY

The long trains filled with children and youth retracing the routes they had earlier taken to California are of the past. These special trains, going from state to state, delivering their "cargo" to their homes, have given way to individual handling under the Juvenile Compact of the runaway and other young transient.

For many years, administrators of the Interstate Compact for the supervision of Parolees and Probationers had been aware of the need for an interstate agreement on juveniles which would permit out-of-state supervision similar to that in existence for adults. Others had recognized the need for procedures which would permit the return of non-delinquent runaways to the state of their residency.

In 1954, the Council of State Governments, with assistance from many other groups, undertook to draft a compact to meet these needs. Among the organizations which worked with the Council were the National Probation and Parole Association (now the National Council on Crime and Delinquency), the National Council of Juvenile Court Judges, the American Public Welfare Association, the United States Children's Bureau, the Senate Subcommittee on Juvenile Delinquency, the National Association of Attorneys General, and the Parole and Probation Compact Administrators Association. All these, together with representatives of Interstate Cooperation Commissions, met at a special Interstate Conference held in New York City on January 20-21, 1955, and took final action approving the Interstate Compact on Juveniles.

The first organizational meeting of the Compact Administrators was held in 1956. Colorado joined the Compact in 1957, when the State Legislature adopted the Interstate Compact Agreement on Juveniles (CRS '53, '57 Cumulative Supplement, Article 8, 74-8-1 to 74-8-8).

The director of the Division of Child Welfare (now known as the Division of Children and Youth) of the State Department of Social Services was designated as the first Compact Administrator. In June, 1959, the rules and regulations for implementing the Compact were promulgated and distributed. These rules and regulations were revised in June, 1965.

In 1967, the State Legislature revised Section 2 of the statute (74-8-2) and designated the director of the Department of Institutions as Compact Administrator. The rules and regulations, as promulgated, were continued in effect. The Division of Juvenile Parole was assigned responsibility for handling Compact matters.

PURPOSE

The Interstate Compact on Juveniles is designed to:

1. Permit out-of-state supervision of an adjudicated delinquent juvenile eligible for probation or parole and who could be sent to a state other than the state in which he violated statutes.
2. Provide a procedure whereby a non-delinquent runaway can be returned to his home state.
3. Provide for the return of absconders and escapees to the state from which they absconded or escaped.
4. Authorize agreements between two or more party states which would permit a juvenile to be institutionalized in another state if doing so will provide better facilities or programs for his care, treatment, and rehabilitation than are available in the state in which he was adjudged delinquent. (CRS 53, 74-8-1)

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THE ARTICLES

The Compact consists of fifteen articles. Four of the articles set forth detailed procedures necessary to carry out the functions listed under Purpose.

Article I sets forth Findings and Purposes which show legislative intent and broad guiding principles.

Article II assures that Existing Rights and Remedies (including parental rights and responsibilities) will not be affected by the Compact. Further, Article II preserves the right to use the informal methods which existed before the Compact was adopted to return non-delinquent runaways.

Article III defines expressions used in the Compact.

Article IV provides for the return of non-delinquent runaways, either by informal methods or use of the Juvenile Compact Form II (Requisition for Return of Runaway). We recommend that Article IV be used only when there are serious questions as to the legality of a non-delinquent's return. Asylum states should not require the use of Article IV unless the child objects to returning, or if there is question as to the validity of the request for return.

When the home state receives word that a runaway is in custody, the person or agency having custody of the child should immediately proceed to return him by either informal or Compact procedures. Article IV states that the state to which a juvenile is returned shall be responsible for payment of the transportation costs of such return.

It further provides that if there are any charges or proceedings pending in the asylum state, they must be discharged or disposed of before the runaway can be returned to his home state.

Article V provides for the return of escapees and absconders. Like Article IV, it is designed for cases where there are serious doubts as to the legality of the delinquent's return. When there are no legal obstacles, and the juvenile is willing to return, Article VI should be used instead of Article V.

Article VI is used for the return of non-delinquents and delinquents who are willing to return. The procedure is exceedingly simple, and avoids any cloud which might come up relative to the runaway's constitutional rights.

It has been the practice of many states to use informal methods, because of the advantage of simplicity, for returning delinquents who are willing to return voluntarily. It is recommended that Juvenile Compact Form III (Voluntary Return) be used to avoid any constitutional problems which may arise.

Article VII provides a simple, legal method by which juvenile probationers and parolees may be sent to other states for supervision. Each state must accept responsibility for supervision of its own residents. However, non-residents may not be sent without the receiving state's consent. Occasionally, residents are returned before, or at the time a supervision request is initiated. Non-residents should never be sent

before the receiving state has had the opportunity to evaluate the proposed placement and express its approval and willingness to supervise.

The proposed receiving state should be notified before a juvenile is permitted to visit there for purpose of testing a placement.

When supervision has been arranged, the receiving state becomes the agent of the sending state. The sending state retains jurisdiction over the juvenile, makes all major decisions about his future, and may return him without formalities after consultation between the authorities of the two states. The sending state is responsible for paying the costs of transporting any delinquent juvenile to the receiving state, or of returning him to the sending state.

Juvenile court orders should stipulate the financial obligation for support, medical assistance, and transportation costs, at the time the child is considered for placement in another state if at all possible.

When a local court intends to discharge a probationer subject to terms of his probation, it should notify the Colorado Compact Administrator. When discharge from court jurisdiction is being considered, the receiving state must be informed in order that it may make appropriate comment and do necessary paperwork. No minor should be discharged prior to the expiration of the maximum time permitted for supervision unless the receiving state agrees to such earlier discharge.

No parolee should be discharged without notification to and permission of the receiving state, except at expiration of his maximum parole period (two years under the Children's Code, CRS '63, 22-9-2 (a) unless extended), which should be stated on the Interstate Compact Form IV at the time of initial request for supervision.

The receiving state will provide visitation and standards of supervision that prevail for its own delinquent juveniles released on probation or parole. Additional services may be provided if resources are available.

The receiving state should provide quarterly reports to the sending state, as well as any additional reports requested by the sending state.

Compact states agree "that Administrators should notify each other if they find that an agency in their state has placed a delinquent without notice; and that the spirit of the Compact requires that advance notice be given, if at all possible, when a juvenile is permitted to go to another state for permanent placement." (Juvenile Compact Manual, Chapter 2, Section 601.3)

Article VIII deals with responsibility for costs of transporting juveniles to and from other states. Should a juvenile become involved in a difficulty in his out-of-state placement, and that state requests his return to Colorado, the appropriate agency in the county of the local court's jurisdiction in Colorado will be requested to assume the cost of transportation, when not otherwise provided (Article II) by the parents or relatives.

In case of a runaway juvenile, the parent, guardian, or agency entitled to his legal custody, or the court that executed the requisition for his return, shall be responsible for payment of transportation costs.

Article IX establishes the policy for detention practices of juveniles coming under the Compact. The Colorado Children's Code (CRS '63, 22-2-3) is also explicit. It guarantees the juvenile taken into custody his rights, as well as providing detention for his return to sending state under appropriate articles of the Compact.

Article X provides that duly constituted administrative authorities of a state party to the Compact may enter into supplementary agreements with any other party states for the cooperative care, treatment, and rehabilitation of delinquent juveniles. This article does not apply to juvenile delinquents who are already out-of-state, nor does this article cover non-delinquents.

Article XI permits the acceptance and utilization of Federal and other aid, grants, and gifts for any of the purposes and functions of the Compact.

Article XII designates the appointment of a Compact Administrator who shall promulgate rules and regulations to carry out more effectively the terms and provisions of the Compact.

Articles XIII, XIV, and XV provide for the execution, renunciation, and severability of the Interstate Compact on Juveniles.

Article XVI - the Optional Runaway Article, to which Colorado subscribes along with certain other states, applies to non-delinquent runaways only. It makes it mandatory for the home state to authorize the return of a juvenile within five days after being advised that he has been found in another state. There has been much discussion of the practicality of the "five day" limitation; however, every effort should be made to expedite the return of the runaway from another state subscribing to this Article.

Section 2 of the Compact, as amended, names the Director of the Department of Institutions as the Compact Administrator.

Section 3 authorizes and empowers the Compact Administrator to enter into supplementary agreements with the appropriate officials of other states pursuant to the Compact.

Section 4 empowers the Compact Administrator to make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the Compact, within the limits of appropriations made therefore, subject to approval of the state controller.

Section 5 deals with "Responsibility of Parents. The Compact Administrator is authorized to take appropriate action to recover from parents or guardians, any and all costs expended by the state, or any of

its subdivisions, to return a delinquent or non-delinquent juvenile to this state, for care provided pursuant to any supplementary agreement herein authorized, or for care pending the return of such juvenile to this state." (There has been no policy or pattern established.)

Section 6 deals with Fee on Appointment of Counsel or Guardian Ad Litem.

Section 7 is for Enforcement of the Compact. "The courts, departments, agencies, and officers of this state and its political subdivisions shall enforce this Compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions."

Section 8 defines the term "delinquent juvenile" as used in the Interstate Compact on Juveniles as those persons subject to the jurisdiction of county or juvenile courts within the meaning of Article 8, Chapter 22, CRS '53. (Revised '67, Chapter 22, Colorado Children's Code.)

From its inception, the Compact Administrators' Association has maintained that the success of Juvenile Compact would depend on the establishment of cooperation and understanding among Administrators (and States' agencies) rather than on the adoption of rigid provisions of law.

PROCEDURE FOR REFERRING A JUVENILE PROBATIONER OR PAROLEE
FOR PLACEMENT AND SUPERVISION IN ANOTHER STATE

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PROCEDURE FOR REFERRING A JUVENILE PROBATIONER OR PAROLEE CASE
FOR PLACEMENT AND SUPERVISION IN ANOTHER STATE

When a Colorado Probation Department or the Division of Juvenile Parole refers a juvenile case for placement and supervision in another state, the procedure is as follows:

REFERRAL PACKET:

A packet is prepared, in triplicate, containing the following:

1. A letter requesting the evaluation of the proposed placement and courtesy supervision, containing a resume of the juvenile's record, and reasons for the desired placement.
2. The probation officer's report on the case (a case history or social summary) as detailed and complete as possible.
3. Pertinent court orders (petition in delinquency, adjudication and probation orders). In case of a juvenile parolee, include institutional pre-parole summary and parole plan, with summary of parole rules and parole record.
4. Juvenile Compact Form 1A (Application for Compact Services) and Form IV (Probation Investigation Request). Form 1A is to be signed by the child and his parent, guardian, or agency having legal custody.

5. Juvenile Compact Form VI (Memorandum of Understanding and Waiver). It is recommended that at the time parent or guardian signatures are obtained on Form VI, arrangements for, or understanding of financial responsibility to return the juvenile if required, be made clear.
6. A Statement of Financial Responsibility and Medical Release should be included in the packet, although it is not mandatory under present rules. The former should include the amount of financial support and manner of payment to the proposed placement. The latter authorizes the proposed custodian to have the child's medical needs attended to. These statements should be backed by court order in each case.
7. If parent and/or parents are deceased, and if child is a recipient of Social Security funds, Survivor Benefits, etc., advise the receiving state, giving number of claim and/or claims, etc., so that benefits can be transferred to receiving state for the child's use, at the proper time.

REFERRAL REQUESTS:

Referral requests should be made as early as possible when out-of-state placement is considered, anticipating thirty to forty days for reply.

CHANNELLING REQUESTS:

This packet is forwarded to the Colorado Juvenile Compact Administrator, who will retain one copy for his files and send two copies to the administrator of the proposed receiving state.

ACCEPTANCE:

When an acceptance has been effected, the receiving state will send notification to the Colorado Juvenile Compact Administrator who, in turn, will notify the probation department originating the referral, or the Division of Juvenile Parole.

DEPARTURE:

When departure date and mode of transportation for the juvenile to go to the out-of-state placement has been determined, the Colorado Juvenile Compact Administrator is to be notified in sufficient time so that Juvenile Compact Form V (Departure Notice) can be prepared.

The receiving state should have about five days notice before the arrival of the juvenile, who should carry a copy of the Form V with him.

SCHOOL TRANSCRIPTS AND RECORDS:

School transcripts and records should be sent at this time in order to facilitate the child's entry into the school program in the new placement. These may be sent through the Compact, or arrangements for their direct transmittal between schools involved. The Colorado

Open Records Law requires that permission be given by the child and/or his parent or guardian for release of such records. Hence, it is sufficient to suggest that such signatures for release of this information be obtained at the time signatures are being obtained on the Forms 1A and VI, etc.

The probation officer should always request supervision where wardship has been declared and/or it is the intention of the court to retain jurisdiction. It is only on the authority of the sending state that the receiving state has authority to supervise and control the juvenile.

CONDITIONS OF PROBATION OR PAROLE

The terms of probation or parole are set by the sending state. Day by day operational matters are determined by the receiving state. Nevertheless, any special condition included in the court's probation order, or set as conditions to the parole, is binding and should be enforced in the receiving state to the same extent they would be in the sending state.

DISCHARGE OR CHANGE IN STATUS:

The receiving state must be sent word forthwith of any change in status of juveniles under Compact supervision. As noted, juveniles should not be discharged before the expiration of their supervisory maximum without the consent of the receiving state. A full explanation should be given for proposed discharge. It is understood that when a court dismisses the wardship or jurisdiction, the receiving state is without authority to be involved with the juvenile, unless a new action is taken under the statutes of the receiving state.

To discharge a juvenile merely to avoid returning him is a violation of the spirit of the Compact.

EMERGENCY PLACEMENT:

Where possible, the sending state will give the receiving state sufficient time to investigate and respond to a placement request before authorizing departure of a juvenile. Circumstances sometimes exist when the sending state will permit the juvenile to accompany his parents or guardians to the receiving state before an evaluation and recommendation has been made or received. In such event, the receiving state should have immediate notice that the juvenile is arriving and that a referral is being made according to the Compact agreement.

If possible, the Compact Administrator should be given the opportunity to transmit information and such requests by telephone. A brief resume should include the juvenile's name, birthdate, offense, problems, and the name and address of the proposed placement. The Colorado Compact office will immediately respond to such a request. A written request should then follow, containing the appropriate material.

SAMPLE COVER LETTER FOR OUTGOING REFERRALS

(In Triplicate)

November 1, 1969

Mr. Hilbert Schauer, Administrator
Interstate Compact on Juveniles
112 East 14th Avenue
Denver, Colorado 80203

Attention Mr. Dewey W. Johnson, Jr., Deputy Administrator

Dear Mr. Schauer:

RE: MARSH, Lorraine Kay
DOB: 2/3/54
PROPOSED PLACEMENT: MOTHER
Mrs. Maybelle C. Rippley
10814 Bush Street
Santa Paula, California 95812

On October 14, 1969, Lorraine Kay Marsh was found to be a delinquent child because of her being beyond control of her father and stepmother, Mr. and Mrs. George Marsh, and because of her being such as to endanger her welfare and the welfare of others.

Lorraine's natural parents were divorced in 1966, but were separated when she was three years old. She resided with her mother, Mrs. Maybelle C. Rippley, and did not again see her father until the summer of 1968. It has been reported that she returned to the home of her mother about August, 1968, and because of apparent adjustment problems in that home, returned to the father's home in January, 1969. At that time, Mr. Marsh was appointed Lorraine's legal guardian by court action. From contacts with Mr. Marsh, father, Mrs. Maybelle Rippley, mother, and Lorraine, it appears that the best possible placement for her would be to return to the mother's home.

It is therefore requested that the home of Mrs. Maybelle Rippley, address above, be investigated pursuant to procedures of the Interstate Compact on Juveniles, for placement of her daughter, Lorraine. If this home is found to be a satisfactory placement, we request that California provide courtesy supervision and forward quarterly progress reports.

Mr. Hilbert Schauer, Administrator

-2-

November 1, 1969

Enclosed are copies of social history, court orders which include the Petition, Adjudication, Probation Orders, as well as Juvenile Compact Forms IA, IV, and VI. Form V will be submitted before Lorraine's departure if her mother's home is found to be satisfactory, along with school transcripts. Inasmuch as Lorraine's father is the legal guardian, medical release and statement of financial responsibility will also be forwarded.

Thank you for your cooperation.

Very truly yours,

James Brown
Juvenile Counselor

APPROVED BY:

Chief Probation Counselor

MKS/me
Encls.

CHECK LIST - (ALL MATERIAL TO BE SUBMITTED IN TRIPLICATE)

_____ Social History

_____ Court Orders:

_____ Petition

_____ Adjudication

_____ Probation Order

_____ Financial Stipulations, etc.

_____ Medical Release

_____ Release of School Records

_____ Form 1A

_____ Form IV

_____ Form VI

COLORADO INTERSTATE COMPACT ON JUVENILES

JUVENILE COMPACT FORM 1A

APPLICATION FOR COMPACT SERVICES

(In 5 copies: One copy to be given to juvenile; one copy to be retained; three copies to Compact Administrator of sending state, who will send two copies to receiving state)

TO: (TO BE ADDRESSED TO THE COURT HAVING JURISDICTION)
(Paroling authority or probation granting authority)

I, (Named Juvenile) hereby apply for supervision as a ~~parolee~~ probationer pursuant to the Interstate Compact on Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact on Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on ~~(parole)~~ (probation) in Receiving State, for the following reasons:
State

I (have read the above) (have had the above read and explained to me), and I understand its meaning and agree thereto.

Signature of Juvenile

Witnessed by _____

Date _____

Signature of Guardian Ad Litem or person or agency having legal custody.

COLORADO INTERSTATE COMPACT ON JUVENILES
FORM IV
PAROLE OR PROBATION INVESTIGATION REQUEST

Minimum distribution, 4 copies one copy to be retained; three copies to Compact Administrator of sending state, who will send two copies to receiving state.

Reply to: HILBERT SCHAUER, Administrator
Interstate Compact on Juveniles
112 East 14th Avenue
Denver, Colorado 80203
Attention: Dewey W. Johnson, Jr.,
Deputy Administrator

To Receiving State Date _____
Parole _____ Probation XX (check one) Our File No. _____

Name of Juvenile _____ Sex _____

Address _____ Race _____ Date of Birth _____

Reason for adjudication as a delinquent _____ Date adjudicated _____

Parole or probation period _____ Date to be released _____

Insert here information pertinent to the case _____

We desire to transfer this juvenile an (~~Parole~~) (Probation) to your state

____ Because his family resides in your state, or

____ For the following reasons, with your consent.

Other comments _____

CASE SUMMARY (INCLUDING DIAGNOSTIC TESTS, TREATMENT, ETC., IF AVAILABLE). RECORD OF ADJUDICATIONS AND PERTINENT COURT ORDERS ARE ATTACHED HERETO.

Signed: HILBERT SCHAUER, Administrator
INTERSTATE COMPACT ON JUVENILES

Dewey W. Johnson, Jr.,
Deputy Administrator

COLORADO INTERSTATE COMPACT ON JUVENILES

FORM V

REPORT OF SENDING STATE UPON PAROLEE OR PROBATIONER
BEING SENT TO ANOTHER JURISDICTION

Minimum distribution, 4 copies; one copy to be retained; three copies to Compact Administrator of sending state who will send two copies to receiving state.

Reply to: HILBERT SCHAUER, Administrator
Interstate Compact on Juveniles
112 East 14th Avenue
Denver, Colorado 80203
Attention: Dewey W. Johnson, Jr.,
Deputy Administrator

To: Receiving State Date _____

Parole _____ Probation XX (check one) Our File No. _____

Re _____ (Name of Juvenile)

The above mentioned will depart from _____ by _____
(Method of Transportation) an _____ and will arrive at _____
(Date) (Time)
_____ on _____ and was instructed to report (in person) (by letter)
(Destination) (Date)

to _____
This information is usually given in the home
evaluation report if child is accepted for
supervision in the receiving State.

Enclosed please find (check appropriate items)

- Certificate of parole
- Probation or parole agreement
- Memorandum of understanding and waiver (Form VI)
- Other material described below

Please acknowledge receipt of this material and send arrival report as soon as possible.

Signed: HILBERT SCHAUER, Administrator
INTERSTATE COMPACT ON JUVENILES

Dewey W. Johnson, Jr.,
Deputy Administrator

COLORADO INTERSTATE COMPACT ON JUVENILES

FORM VI

MEMORANDUM OF UNDERSTANDING AND WAIVER (PAROLEE OR PROBATIONER)

Minimum distribution, 5 copies, one copy to be given to juvenile, one copy to be retained; three copies to Compact Administrator of sending state, who will send two copies to Compact Administrator of receiving state.

Reply to: HILBERT SCHAUER, Administrator
Interstate Compact on Juveniles
112 East 14th Avenue
Denver, Colorado 80203
Attention: Dewey W. Johnson, Jr.,
Deputy Administrator

Sending State Colorado Receiving State e.g. Oklahoma

I, _____, realize that the grant of (~~parole~~) (probation) and especially
(Name of Juvenile)
the privilege to leave the State of Colorado to go to the State of Oklahoma

is of benefit to me. In return for these advantages, I promise:
(name and address of placement)

1. That I will make my home with / being requested until a change of residence is duly
authorized by the proper authorities of Oklahoma
(Receiving State)

2. That I will obey and live up to the terms and conditions of (~~parole~~) (probation) as fixed by both the sending and receiving states.

3. That I will return at any time to the sending state if asked to do so by the (~~parole~~) (probation) authorities in that state. I further understand that if I do not obey or live up to these promises, I may be returned to the sending state.

I (have read the above) (have had the above read and explained to me), and I understand its meaning and agree thereto.

Witnessed by: _____ Signed _____
(Parolee or Probationer)

Date: _____

I, in my capacity of (parent) (guardian) of Child's name do approve of and subscribe to the above memorandum of understanding and hereby waive any right which I may have to contest the return of the juvenile referred to herein to the sending state from any state or jurisdiction, within or without the United States, in which (he) (she) may be found. I also undertake to cooperate with the supervising authorities and to assist them in securing the return of the juvenile referred to herein to the sending state whenever, in their judgement, such return may be necessary or desirable.

Witnessed by: _____ Signed Either Parent or Guardian

Date _____

On the _____ day of _____, 19____, permission was granted to the above named juvenile and (parent) (guardian) to have said juvenile reside in the State of Oklahoma and to be supervised by _____
(Rec. State)

Signed _____
To be Signed by Judge.

STATE OF COLORADO

JUDICIAL DISTRICT
JUVENILE

TO: School Officials
RE: Release of Information Contained in School Records

Permission is hereby granted by the undersigned, who is the _____ of _____, for any school official to release to any representative of the Juvenile Court, _____ Judicial District, such information pertaining to the academic record and school adjustment of the above-named child which might be requested by the Juvenile Court.

Witness: _____ Signed _____
Relationship: _____
Date: _____

(Triplicate)

TO WHOM IT MAY CONCERN:

I, _____, do hereby consent to and authorize any duly licensed physician to conduct such medical or surgical treatment in behalf of my child, _____, as may, in his judgment, become necessary to safeguard the health of my child.

I further agree to assume financial responsibility for medical, surgical, and/or hospital expenses which may be incurred in the diagnosis and treatment of my child, _____.

Date: _____

Signature _____

Relationship _____

Signature _____

Relationship _____

WITNESS:

I have medical/hospital insurance which will cover medical/surgical/hospital expenses, with _____
(Name of insuring company or plan)

(Number of insurance policy or medical plan)

(Triplicate)

STATEMENT OF FINANCIAL RESPONSIBILITY

The undersigned agrees that in event _____
is placed outside his family home, in a setting where financial payment
for care is necessary, the undersigned will contribute no less than
\$ _____ per month toward said child's support.

The undersigned further agrees that in the event of medical, surgical, or
hospitalization of said child, _____ the
undersigned will be responsible for expenses incurred.

Signed _____

Relationship _____

Date _____

Signed _____

Relationship _____

Date _____

WITNESS:

Title _____

Date _____

(Triplicate)

PROCEDURE FOR PLACEMENT OF JUVENILE PROBATIONER
OR PAROLEE IN COLORADO

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PROCEDURE FOR PLACEMENT OF JUVENILE PROBATIONERS
AND PAROLEES IN COLORADO

RECEIVING REQUESTS:

The Colorado Juvenile Compact Administrator receives requests for placement evaluations and courtesy supervision of juvenile probationers and parolees from many states. These requests are usually received in duplicate, one of which is retained in the office of the Compact Administrator, and one forwarded to the probation or parole office in the area of the requested placement.

INVESTIGATION:

The probation or parole officer, upon receipt of such a request, should conduct his investigation within 30 days or less, and forward his written reply to the Colorado Compact Administrator, in triplicate. One copy of this report will be retained in the files of the Colorado Administrator, and two copies forwarded to the Compact Administrator of the requesting state.

REPORT:

The investigative report should give the social and physical description of the proposed placement, and recommendation on whether or not the placement should be made. Any extraordinary conditions or needs of the placement should be noted (financial assistance, medical or social problems, existence of or lack of special community facilities to meet the needs of the probationer or parolee), and a statement of acceptance for courtesy supervision.

A report rejecting a proposed placement shall be forwarded through the Compact Administrator, and should note the conditions and reasons for the rejection of the placement.

DIRECT REFERRAL:

If an individual probation department receives a request for a placement evaluation and courtesy supervision direct from another state's court or probation department, investigation should be conducted in the above manner. Copies of the request and evaluation report should be directed to the Colorado Compact Administrator in triplicate, for transmittal to the requesting agency by way of that state's Compact Administrator. (It is helpful to the Colorado Administrator if two copies of the initial request accompany the report.)

ARRIVAL NOTICE:

As soon as information is received by the Administrator that the parolee or probationer is coming to the approved placement in Colorado, the accepting department will be notified.

JUVENILE ALREADY IN PLACEMENT:

In case the juvenile is already in the placement when the investigating officer arrives at the home, he should so note in his report and start supervision at that time if placement is acceptable. In event the placement cannot be approved, the investigative report should state the reasons for rejection and recommend that procedure be initiated by the sending state for the juvenile's removal from the placement.

UNANTICIPATED NEEDS OR CHANGES IN PLACEMENT:

On occasion, all the needs of the placement cannot be anticipated at the initial investigation. Should conditions or circumstances arise within a placement which require additional assistance or remedy not afforded within the community, these should be reported immediately to the Compact Administrator, with recommendations for assistance or correction. Change of address should also be reported immediately, accompanied with a brief report of the changed structure of the supervision program, if any.

SUPERVISION

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SUPERVISION

Each state must accept its own residents for supervision, but non-residents may not be sent without its consent. In either case, the sending state must give the receiving state an opportunity to investigate first. When supervision has been arranged, the receiving state becomes the agent of the sending state. The sending state retains jurisdiction over the juvenile, makes all major decisions about his future, and may retake him without formalities, after consultation between authorities of the two states.

INFORMAL PLACEMENTS:

Informal placements are within the right of each state; however, use of Article VII is preferable. It assures the sending state that its juvenile will receive the same type of supervision the receiving state's juveniles receive; that supervision will continue despite any staff turnovers in the receiving state; and that jurisdiction over the juvenile will be retained through the supervisory period so that final control over his treatment and authority to retake him is not lost. Placement under Article VII also has the advantage of permitting state officials to act under an express legal authorization.

States receiving requests for supervision of juveniles should advise the sending states of their responsibility for retaking violators.

AVAILABILITY OF SUPERVISION:

States should advise each other of the types of services which might or might not be available in a proposed placement.

When any state has a juvenile age bracket in which it is not providing service, it should review its program to see what steps can be taken to assure that all age groups will receive essential services.

The proposed receiving state should be notified before a juvenile is permitted to visit there for purposes of testing the feasibility of a proposed placement.

Article VII (b) of the Compact provides that a state supervising a juvenile under the Compact must be governed by "the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole." In other words, a state cannot be required to do more for an interstate juvenile than it does for its own, but it cannot do less. Also, as far as practicable, the same standard disciplinary treatment is used.

CONDITIONS OF PROBATION OR PAROLE:

Terms of probation or parole are set by the sending state. Day by day operational matters are left to the receiving state and determined by it in applying the same standards in Compact cases which it uses in similar intrastate cases. Any special conditions included in the court's

probation order, or set as conditions to the parole, are binding and should be enforced in the receiving state to the same extent they would be in the sending state.

RESPONSIBILITY OF THE RECEIVING STATE WHEN AN INTERSTATE JUVENILE ABSCONDS:

The receiving state is to notify the sending state of an absconder in order that it may institute a search and seek to have the juvenile apprehended. Simultaneously, the receiving state should take the same steps for search within its jurisdiction as it would with those under its original jurisdiction. The Deputy Administrator of the Colorado Interstate Compact on Juveniles should be notified first by telephone, followed by letter. He will immediately notify the sending state.

JUVENILES WHOSE FAMILIES HAVE LEFT THE SENDING STATE:

It is suggested that when a family moves from the sending state to a state other than the proposed receiving state, supervision should be transferred to the new state if this would be in the best interest of the juvenile. If a juvenile moves from the receiving state without permission or notification, the receiving state should immediately notify the sending state. (In Colorado, the Deputy Administrator of the Interstate Compact on Juveniles.)

PROGRESS REPORTS:

The receiving state should furnish such progress reports quarterly, plus other information as the sending state may require.

VISITS AWAY FROM RECEIVING STATE:

The receiving state may permit the juvenile to make temporary visits out of state. Permission should be given in writing, and the juvenile should be given a copy of the permit. There is no fixed rule regarding notification to the state to be visited; however, most administrators would like to be notified. The sending state should be informed, and if time allows, a reply requested indicating approval or disapproval of visit. If at all possible, no juvenile should be permitted to return to the sending state on a visit without prior permission of the sending state.

RESTITUTION AND COURT COSTS:

On occasion, courts enter orders requiring juveniles to make restitution, or pay court costs. The matter of making collections from juveniles under the Compact was discussed at the 1961 Annual Meeting. There seemed to be agreement that in most cases the receiving state would have difficulty in collecting any large sum of money from a placement.

CHANGE IN STATUS, OR DISCHARGE:

Word must be sent to the sending state, through the Compact Administrator, of any change in status of juveniles under Compact supervision. A receiving state cannot discharge an interstate case; the sending state makes that decision. The receiving state's position is that of agent for the sending state. The agency relationship does not provide implied authority to discharge cases, since the laws of the sending state might forbid discharge before a particular time.

The receiving state has no obligation to continue supervision of a discharged juvenile. In fact, even though it may desire to, it may not do so legally unless it can obtain jurisdiction under its own law.

Recommendations for discharge by supervising state should be put in separate letters, rather than being included in routine progress reports.

VIOLATIONS AND FACTORS INVOLVED IN THE DECISION TO RETURN:

The receiving state shall notify the sending state immediately of any violation of interstate conditions, giving full details, including the juvenile's version, and accompany the report with a recommendation as to the desirability of retention of the juvenile in receiving state. The sending state may, of course, retake a juvenile for its own reasons, without notice of violation. The Compact provides that the sending state must consult with the receiving state about returns, but the sending state has the final decision, and the wisdom of this decision is not reviewable in the courts of the receiving state.

It should be noticed that the receiving state cannot institutionalize a juvenile under its authority as supervisory agent, under Article VII. In order for such institutionalization to take place, there must be a new act of delinquency in the receiving state, serious enough to permit a court of the receiving state to commit the juvenile under its own laws.

RETURN OF DELINQUENT AND NON-DELINQUENT RUNAWAYS

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RETURN OF DELINQUENT AND NON-DELINQUENT RUNAWAYS

Escapees, absconders, and non-delinquent runaways may be returned to an originating state under the Compact, if they fall within the Compact's definition of a juvenile. This means they must be classified as a juvenile in the state where custody lies.

EMANCIPATED MINORS:

Emancipated, non-delinquent minors cannot be returned under the Compact.

JUVENILES WHO ARE OUT OF STATE WITHOUT PARENTAL OBJECTION:

It may be possible to return these cases, but not without special judicial action in the home state. Parents may initiate the petition for the detained child's return. However, if they show no interest, it may then be appropriate for the court to undertake a proceeding which would place custody of the child in someone else's hands if a review of the facts indicates that return is in the best interests of the child.

MENTAL PATIENTS:

Article IV of the Compact may be used for the return of mental patients who have run away. Mentally ill juveniles can also be returned under the Interstate Compact on Mental Health, if both of the states involved are members of that Compact.

PRIVATE AGENCY RETURNS:

Individual state's laws determine whether private agencies may use Compact funds for the purpose of returning runaways in their custody. The Compact can transmit communications and assist in arrangements with private agencies, as well as public, if desired.

CUSTODY CASES:

Under certain circumstances, the Compact can be used to return children unlawfully removed from the home state. However, the Compact does not enter into custody disputes.

PENDING CHARGES:

A runaway against whom there is a pending charge of delinquency is ineligible for return as a delinquent for the reason that he has not been adjudged delinquent. However, he can be returned as a non-delinquent if the charge is pending in his home state. If the charge is pending in the state in which he is found, he can be treated as a non-delinquent after the charge has been disposed of, or the period of treatment is over, or sooner if the state where the charge is pending agrees. He is not a "delinquent" in his home state, since he has not been adjudged delinquent there, and this legal status, for purposes of return as a runaway, is based on the laws of his home state. His home state cannot adjudge him delinquent because of an act committed out of state. However, if he is adjudicated in the asylum state, he may be returned to the home state as a supervised juvenile under the Compact, subject to the jurisdiction of the adjudicating state.

JUVENILES WHO ARE NOT RETURNED AFTER VISITS CONSENTED TO BY THE PARENT HAVING CUSTODY:

The Pennsylvania Juvenile Court rules that a child who was not returned after visiting her father, with the consent of her mother, was not a runaway, since she did not leave without consent. The court held that the proper remedy was a habeas corpus proceeding. The Association agreed that the court's view was correct.

CHOICE OF RETURN PROCEDURES - NON-DELINQUENT RUNAWAYS:

Article II preserves the right to use the informal methods which existed before the Compact was adopted, and has the advantage of simplicity.

It is better to use the Compact when a delinquent is being returned. Article VI provides a simple procedure which can be used for delinquents or non-delinquents who are willing to return. Juvenile Compact Form III (CONSENT FOR VOLUNTARY RETURN BY RUNAWAY, ESCAPEE, OR ABSCONDER) provides a legal basis for return and is a good substitute for informal return.

If there are any objections to the return, the Compact should always be used, and in most instances, Articles IV and V should be invoked. (Juvenile Compact Forms I "REQUISITION FOR RUNAWAY JUVENILE," and II "REQUISITION FOR ESCAPEE OR ABSCONDER".)

REQUISITION FOR RETURN OF NON-DELINQUENT RUNAWAY:

1. PETITION FOR RETURN: Non-delinquent runaways may be sought and returned under Article IV of the Compact. The parent or legal guardian or agency entitled to legal custody of the juvenile who has run away without consent, petitions the court at home which has juvenile jurisdiction for the issuance of a requisition for the child's return. Optional Juvenile Compact Form A (PETITION FOR REQUISITION TO RETURN A RUNAWAY) may be used.
2. REQUISITION: The judge of the home court, on the basis of information presented to him, may then issue a written requisition for return, using Juvenile Compact Form I. If the child's whereabouts is known, the requisition is directed to the executive authority of that state, or to the juvenile court having jurisdiction in the area of the juvenile's whereabouts. The Compact administrator will forward, through channels, such correspondence, if desired. At least three copies of the Requisition should be sent to the administrator - one for his confidential file, and two copies to the administrator of the asylum state, who will transmit original to the executive authority, noting that all material and information supporting the Requisition is attached and certified as authentic.

3. ORDER OF DETENTION: Upon receipt of the Requisition in the asylum state, the court, or the executive authority (as the case may be) shall issue an order to take the juvenile into custody. Juvenile Compact Form B (ORDER OF DETENTION) is used. Upon being taken into custody, the juvenile shall be taken forthwith before the court with juvenile jurisdiction, counsel or guardian ad litem may be appointed, and the juvenile informed of the demand made for his return. Upon finding that the Requisition is in order, the judge shall then deliver the juvenile to the officer designated by the demanding state court.
4. UNREQUISITIONED RUNAWAY: If, as may frequently be the case, a runaway has been found, but no action has been initiated at home for his return, the asylum state may
- (a) Take the child into custody without a requisition and bring him before a court with juvenile jurisdiction.
 - (b) Such court may appoint counsel or guardian ad litem for the child, and for his protection and welfare, hold him for not to exceed 90 days in order that a requisition for his return may be processed.

Usually, when a child is thus found and detained in the asylum state, the parents at home will initiate the informal proceedings or petition for his return. If, however, the parents show no interest in

seeking the return of the child, it would then be appropriate court at home to undertake a proceeding for custody of the child in someone else's hands if a return order indicates that return is in the best interest of the child. If not required by the Compact, it is the spirit of compact that indicates this should be done.

REQUISITION FOR RETURN OF DELINQUENT RUNAWAYS:

Article V may only be used for return of juveniles who have escaped from institutions or absconded from probation. If a juvenile is willing to return voluntarily under Article V, Compact Form III should be used.

Juvenile Compact Form II may be prepared by the receiving agency, or court having authority over the delinquent juvenile. Compact Form II Requisitions must be supported by documentation (see Article V).

When Juvenile Compact Form II (REQUISITION FOR RETURN OF ABSCONDER) is received, the court may use the Option (OPTIONAL DETENTION) to detain the juvenile until return of the juvenile.

DETENTION PRACTICE:

Juveniles may not be detained in any place, nor be transported with criminal, vicious, or unruly behavior. In speaking, this provision should cause no problem.

juvenile detention facility is available. Even if the juvenile is beyond the age usually placed in the facility, he may usually be placed there because of his status as a juvenile under the Compact. The Compact definition of a juvenile should apply instead of the local age limit.

VOLUNTARY RETURN PROCEDURE:

The step by step procedure, under Article VI, is as follows:

1. The juvenile is taken into custody without requisition and brought before a judge.
2. The judge must inform the juvenile, in the presence of counsel or guardian ad litem, of his rights.
3. In the presence of the judge, the counsel or guardian ad litem signs Compact Form III (CONSENT FOR VOLUNTARY RETURN).
4. A signed copy of the consent is filed with the Compact administrator of the state in which the court is located.
5. The judge orders the juvenile to be delivered to the officers of his home state and gives them a copy of the juvenile's consent. If the juvenile is to return unaccompanied, he is given a copy of the court order, and the copy of the consent is mailed to the Compact administrator of the home state. (This copy will be forwarded by the local Compact administrator, if desired.)

INTERSTATE COMPACT ON JUVENILES

PETITION FOR REQUISITION TO RETURN A RUNAWAY JUVENILE

In triplicate: one copy to be retained by court; two copies to be sent to compact administrator of state in which petition is filed.

I, _____, being the _____ Parent or guardian
of _____, do hereby petition _____ Name of court
for the issuance of a requisition for the return of said juvenile from _____ Location, if known
or from any other place in which he or she may be found. By reason of _____'s tender
years such return is essential (Attach additional information if necessary).

In support of this petition, and in order that the court may have necessary information pursuant to
Article IV of the Interstate Compact on Juveniles, be it known that _____
is _____ years of age, having been born on _____ Date, and that said
juvenile should rightfully be in my custody and control for the reasons set forth on the attached page.
To the best of my knowledge _____ Juvenile has not been adjudged delinquent
but has run away under the following circumstances and for the following reasons:

Attached hereto and in support hereof, I offer the following:

Signed _____

Address _____

It is essential that the above petition be "verified by affidavit" and that certain other things be done in
accordance with the provisions of Article IV of the compact, which should be
reviewed before preparing this form.

INTERSTATE COMPACT ON JUVENILES

ORDER OF DETENTION

In duplicate: one copy to be retained, one copy to be given to appropriate peace officer who will take the juvenile into custody.

The undersigned, being in receipt of a requisition made pursuant to the Interstate Compact on Juveniles and calling for the detention of _____, a juvenile, who, according to facts duly recited in said requisition, has

Insert name of juvenile

In the above blank spaces indicate whether the juvenile has run away from home, or has absconded while on probation or parole, or has escaped from an institution; also indicate the jurisdiction from which he ran away, absconded or escaped

and whose return is being sought by _____, hereby orders any _____ in receipt hereof and subject to the jurisdiction or direction of the undersigned to take custody of and detain _____ as requested in said requisition pending disposition of proceedings which may be taken pursuant to the Interstate Compact on Juveniles.

Jurisdiction seeking return

Designate appropriate peace officer

Name of juvenile

Said requisition, which has issued from _____ in _____, which state is also party to the Interstate Compact on Juveniles, is on file with the undersigned.

Issuing authority

Location

Name of state

Dated _____

Signature

Title

Name of court or other authority

To be signed and formalized in accordance with existing practice, by "the court or the executive authority" to whom the demanding state has addressed a requisition. See Articles IV and V of the compact in connection with this form.

MISCELLANEOUS

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REQUEST FOR SURVEILLANCE

The Compact administrator often receives requests for courtesy surveillance of a juvenile being returned to his home state, usually by air flight. He arranges this surveillance by calling on local airport security units, law enforcement agencies, probation and parole agents, as the need arises.

In turn, when a Colorado juvenile is being returned, and there is need for surveillance at airport stops along the return route, the Administrator requests other states' Compact administrators to provide this same courtesy service.

Local probation departments may arrange for this surveillance, or, upon request, it will be done by the office of the Deputy Compact Administrator.

FORMS - WHERE OBTAINED

Interstate forms IA, I through VI may be obtained upon request from the office of the Deputy Administrator:

Mr. Dewey W. Johnson, Jr.,
112 East 14th Avenue
Denver, Colorado 80203

DUTIES OF THE JUVENILE COMPACT ADMINISTRATOR

The Juvenile Compact administrator is responsible for coordinating his state's Compact operations, as follows:

1. Receives and transmits all correspondence on Interstate probation and parole matters.
2. Announces officially any necessary rules, regulations, and general information regarding the operation of the Juvenile Compact.
3. Delegates authority to such officials as he may deem necessary and expedient.
4. Represents the state at local and national conferences dealing with Juvenile Compact interstate parole and probation problems.
5. Calls conferences within the state at such times as he deems it necessary to promote the effectiveness of the Compact.
6. Serves as his state's chief representative in the Association of Juvenile Compact Administrators, and he and his fellow administrators promulgate rules and regulations necessary to the effective interstate operation of the Compact.

DEFINITIONS

SENDING STATE: A state which has placed, or is about to place, a delinquent in another state for supervision.

RECEIVING STATE: A state to which a delinquent has been sent, or is about to be sent, under the Compact.

RESIDENCE: For purposes of acceptance for supervision, a juvenile is deemed to be a resident of the state where the parent, guardian, or person having legal custody is residing or undertakes to reside. However, the law of the sending state governs with regard to his legal status as a juvenile, and the sending state retains jurisdiction over him even though the parent or guardian moves to the receiving state. Special definitions of "residence" do not apply.

CHILD: The Optional Runaway Article uses the term "Child" instead of the term "Juvenile." A "child" under the Article is defined as "any minor within the jurisdictional age limits of any court in the home state."

CONDITIONAL
RELEASE:

Parole and probation means "any kind of conditional release of juveniles authorized by the states party to the Interstate Compact on Juveniles.

COURT:

The word "court" as defined by Article III of the compact means "any court having jurisdiction over delinquent, dependent, or neglected children."

JUVENILE:

A juvenile is "any person who is a minor under the law of the state of residence of the parent, guardian, person, or agency entitled to legal custody of a minor."

DELINQUENT:

(Juvenile) "Any juvenile who has been adjudged delinquent and who is still subject to the jurisdiction of the court that has made such adjudication, or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court."

WAYWARD MINORS
AND YOUTHFUL
OFFENDERS:

As long as the adjudication takes place in a proceeding reserved for juveniles instead of one used for adult criminal cases, such persons can be defined in the enabling legislation by states which have such classes and who have adopted the Compact. Once this has been done,

WAYWARD MINORS
AND YOUTHFUL
OFFENDERS
(Continued)

they are "juvenile delinquents" for purposes of the Compact, and must be treated as such in all other member states in which they are found or supervised. A person who has been convicted in adult proceedings does not come under the Interstate Compact on Juveniles.

AGE LIMITS:

A person's status as a juvenile depends on the laws of the state from which he came. The age limits of that state apply to him instead of the age limits of the state in which he is found, or to which he has been sent for supervision.

DISCREPANCIES
ON AGES OF
DELINQUENTS:

"The determination of whether a person comes under the Juvenile Compact depends on the proceedings used in his case, not on age. This means that a 'juvenile' in one state may be far beyond the age at which his prospective receiving state would ordinarily supervise him as a juvenile. The suggestion was made that a Juvenile Compact administrator might deputize an official from the adult parole and probation system to handle these cases. Thus, the juvenile would remain under the Juvenile Compact, but receive supervision commensurate with his age group in the receiving state." (Minutes of the Organizational Meeting, August 24, 1956.)

DISCREPANCIES
ON AGES OF
DELINQUENTS:
(Continued)

However, it is essential that the type of supervision be the same as that given to the receiving state's juveniles.

CONFIDENTIALITY
OF RECORDS:

Information which is required to be kept confidential under the laws of the sending state cannot be given any wider distribution to personnel of other states than would be possible for similar officials of the sending state. Since the receiving state acts as an agent for the sending state, its officials become officers of the sending state for the purpose of conducting cooperative supervision.

EMANCIPATED
MINORS:

Some juveniles may not be returned under the Compact even though they have left their home state without permission; e.g., Emancipated Minors are specifically excluded from the provisions of the Compact. Emancipation occurs in various ways, depending on individual state laws. Generally speaking, it is a mutual surrender of duties and rights between parent and child - the parents' express or implied surrender of their parental control and custody by freeing the child from the duty of rendering services to them, and by their ceasing to support the child.

EMANCIPATED
MINORS:
(Continued)

Where emancipation is implied from the conduct of the parties, the fact that the child lives apart from the parents, supports himself, and disposes of his own earnings, would be evidence of such emancipation. It is not the purpose of the Compact to return a young person if he has achieved the status of an emancipated minor.

SUMMARY OF OPINIONS

Chin V. Wyman et al, #8418-1963, Supreme Court of Westchester County
December 31, 1963, N. Y.

The Compact does not require congressional consent or violate the Constitution regarding equal protection of the laws. However, due process would be violated if the Compact were not liberally construed to mean that a hearing must be provided at some stage.

Opinion of the Attorney General of California, January 4, 1960.

Responsibility and liability of California officials for juveniles being supervised for other states is substantially the same as for California juveniles. Tort liability of California officials returning juveniles from other states is substantially the same as their liability for juveniles who are injured while in the custody of the California Youth Authority.

Opinion of the Attorney General of Indiana, Official Opinion #8,
January 16, 1962.

Delinquent wards of the court who are sent to Indiana foster homes for supervision under the Compact are entitled to be educated in the public schools. However, such persons do not have legal settlement in Indiana, and therefore come under provisions of Indiana law which require payment of county tuition fees.

Opinion of the Attorney General of Maine, November 26, 1963.

Juveniles who have been transferred to reformatories for men or women should be sent out of state for supervision under the Juvenile Compact instead of the Interstate Compact for the Supervision of Parolees and Probationers.

Opinion of the Attorney General of Ohio, #758.

Ohio statutes which regulate the importation of children into the state are not applicable to Juvenile Compact cases.

Opinion of the Attorney General of Oregon, #5306, September, 1961.

A juvenile in a state school may be placed in a foster home in Idaho provided that suitable arrangements are made under the Interstate Compact on Juveniles. An agreement may be made with the foster family for Oregon foster care payments for the juvenile's support.

Opinion of the Attorney General of Pennsylvania, June 22, 1962 (Informal).

The Agreement on Detainers does not apply to any person committed to a Pennsylvania institution as a juvenile. (This opinion has not been reprinted, but copies are available from the Secretariat.)

Smallwood v. Hindle, District Court of Iowa, Black Hawk County, October 11, 1964.

Juvenile absconders who are being held pending return under the Compact are not entitled to bail. (Copies of this opinion have not been reprinted but loan copies are available from the Secretariat.)

Tennessee ex. rel. Needham v. Ford, March 5, 1964.

Constitutional questions were raised in this case but the court refrained from passing upon them. Its decision to refuse California's request for return of an absconder rested solely on the fact that California's requisition was not certified in accordance with Tennessee laws regarding certification of papers from other states. The papers were not certified in accordance with Article V of the Juvenile Compact, and the decision pointed out that Tennessee law would have been complied with if they had been so certified. (This decision has not been reprinted for the manual but loan copies are available from the Secretariat.)

Opinion of the Attorney General of Colorado, September 22, 1959.

The district juvenile parole officer is the proper official to supervise parolees and the county juvenile probation officer is the proper official to supervise probationers. The age of the juveniles subject to control and supervision, under the Interstate Compact on Juveniles, is determined by the laws of the "sending state."

Opinion of Attorney General of Colorado, #69-4277, December 11, 1968.

It is not double jeopardy for a district attorney to file a petition in delinquency against a juvenile on parole from a state training school based on a crime the juvenile has committed, even though revocation of parole, based on the same crime, has been denied. The rationale for this is that parole is considered a matter of grace and not a matter of right.

The provisions of the United States Constitution, dealing with the extradition of those charged with crimes, does not adversely affect the validity of the Interstate Compact on Juveniles relative to the Compact procedures for returning runaways and absconders to or from other states. By ratifying an interstate compact, a state assumes certain contractual obligations, and a state statute which prevents the fulfillment of these obligations is considered invalid and unenforceable as to the cases arising under the Compact.

The basis for detaining a juvenile who might be a runaway from his home state, whether adjudicated delinquent or not in his home state, lies within the fundamental police power of the state ".....to enact laws providing for the security of the lives, limbs, health, and comfort of persons...within the state's jurisdiction, as long as these laws are not violative of constitutional rights." It is the Attorney General's opinion "that both the Colorado Children's Code and the Interstate Compact on Juveniles, as adopted by Colorado, are well within the police power of the legislature, namely protecting the welfare of all juveniles within the jurisdiction of the state, and also protecting the welfare of the public in general."

Executive Authority

For the purpose of the REQUISITION FOR RETURN OF RUNAWAY, the Colorado Attorney General's office has given a verbal opinion that such requisition should be addressed to the Governor of Colorado, or to the Juvenile Court Judge of the judicial district in which the runaway is located, and not to the local law enforcement agency.

It is suggested that the requisition be directed to the judicial district to save time. If there is a question of which judicial district is involved, the Compact Administrator's office will transmit such requisitions upon receipt.

COLORADO REVISED STATUTES 1953
('57 Cumulative Supplement)
Article 8

Interstate Compact on Juveniles
74-8-1 to 74-8-8

SECTION 1, Execution of Compact. The governor is hereby authorized to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE 1 - Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to

1. Cooperative supervision of delinquent juveniles on probation or parole;
2. The return from one state to another of delinquent juveniles who have escaped or absconded;
3. The return, from one state to another, of non-delinquent juveniles who have run away from home; and
4. Additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively.

In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory, and protective policies which guide their laws concerning delinquent, neglected, or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II - Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies, and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III - Definitions

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication, or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected, or dependent children; "state" means any state, territory, or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV - Return of Runaways

- (a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time the application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificate, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition.

The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned.

In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court.

Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juveniles. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

- (b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

- (c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V - Return of Escapees and Absconders

- (a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded, or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole, or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole, or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court.

Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may

be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

- (b) That the state to which a delinquent juvenile is returned under this article shall be responsible for the payment of the transportation costs of such return.

ARTICLE VI - Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a), or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact.

When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII - Cooperative Supervision
of Probationers and Parolees

- (a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.
- (b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.
- (c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense

or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

- (d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state, or of returning any delinquent juvenile to the sending state.

ARTICLES VIII - Responsibility for Costs

- (a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.
- (b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency, or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V(b) or VII (d) of this compact.

ARTICLE IX - Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail, or lockup, nor be detained or transported in association with criminal, vicious, or dissolute persons.

ARTICLE X - Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment, and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment, and rehabilitation. Such care, treatment, and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall:

1. Provide the rates to be paid for the care, treatment, and custody of such delinquent juveniles, taking into consideration the character of facilities, services, and subsistence furnished.
2. Provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment, and custody.
3. Provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile.
4. Provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state.
5. Provide for reasonable inspection of such institutions by the sending state.
6. Provide that the consent of the parent, guardian, person, or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state.
7. Make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI - Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts, and grants of money, equipment, and services from the Federal or any local government, or any agency thereof, and from any person, firm, or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

ARTICLE XII - Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII - Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV - Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present article.

ARTICLE XV - Severability

That the provisions of this compact shall be severable and if any phase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XVI

SECTION 1. That this Article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

SECTION 2. Juvenile Compact Administrator. The director of the division of child welfare of the state department of public welfare is hereby designated as and shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator is hereby authorized, empowered, and directed to cooperate with all departments, agencies, and officers of and in the government of this state and its subdivision, specifically the state department of parole and the state department of public health in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

SECTION 3. Supplementary Agreements. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state, or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

SECTION 4. Financial Arrangements. The compact administrator, subject to the approval of the state controller, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder, within the limits of appropriations made therefor.

SECTION 5. Responsibility of Parents. The compact administrator is authorized to take appropriate action to recover from parents or guardians, any and all costs expended by the state or any of its subdivisions, to return a delinquent or nondelinquent juvenile to this state, for care provided pursuant to any supplementary agreement herein authorized, or for care pending the return of such juvenile to this state.

SECTION 6. Fee on Appointment of Counsel or Guardian Ad Litem. Any judge who appoints counsel or a guardian ad litem pursuant to the provisions of the compact may fix a fee in a reasonable amount, to be paid out of funds available for disposition by the court.

SECTION 7. Enforcement. The courts, departments, agencies, and officers of this state and its political subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

SECTION 8. Delinquent Juvenile. The term "delinquent juvenile" as used in the interstate compact on juveniles shall include those persons subject to the jurisdiction of county or juvenile courts within the meaning of Article 8, Chapter 22, Colorado Revised Statutes 1953.

In its 1967 session, the Colorado General Assembly passed a bill (SB-236) which transferred the administration of the Interstate Compact on Juveniles from the Department of Welfare to the Department of Institutions. This bill was signed into law by the Governor, and became effective on July 1, 1967.

Until further notice, the revised Rules and Regulations governing the Compact, which were sent to you in 1965 by Miss Marie Smith, former Administrator of the Juvenile Compact, will remain in effect.

All communications relating to the Compact should be addressed to:

Mr. Hilbert Schauer, Administrator
Interstate Compact on Juveniles
Attention Mr. Dewey W. Johnson, Jr., Deputy Administrator
112 East 14th Avenue
Denver, Colorado 80203

Telephone: (303) 892-2185

SUBJECT: Rules and Regulations Governing the Colorado Interstate Compact on Juveniles.

DATE: June 1959; Revised June 1965; 1967.

- ENCLOSURE:**
- (1) Interstate Compact on Juveniles - CRS 1963, Article 8; 74-8-1 to 74-8-8.
 - (2) Forms for use under the Interstate Compact on Juveniles.
 - (3) List of states that are members of the Juvenile Interstate Compact.

1. PURPOSE:

This information is issued to further implement the Interstate Compact on Juveniles so that uniformity of procedures may be established by the member states, by the various courts handling juveniles, and by other appropriate agencies in Colorado, and to serve as rules and regulations promulgated pursuant to 74-8-2 '63 CRS ('57 Cum. Suppl.)

2. DEFINITION:

Juvenile, as used in this instruction, means any person who is a minor under the laws of the state of residence of the parent, guardian, person, or agency entitled to legal custody of such minor. In Colorado, a minor is any person under the lawful age of 21 years. Court action in Colorado concerning juveniles is limited to age 18.

3. OBJECTIVES:

To establish uniform policies in keeping with the Interstate Compact Statute under the administration of the Director of the Department of Institutions - the Administrator of the Juvenile Interstate Compact as provided by state statute.

Note: Wherever the terms "sending state" and "receiving state" appear herein, they refer respectively to the state sending a child to another state for placement, and the state receiving a child on placement from another state

4. DUTIES AND RESPONSIBILITIES:

The Division of Juvenile Parole of the Colorado State Department of Institutions will represent the state of Colorado in dealing with other states under the Compact, and will cooperate with juvenile courts and other appropriate institutions and agencies on all matters arising under the Compact. The Director of the Department of Institutions, as Administrator of the Interstate Compact, is responsible for carrying out the policies and procedures governing the Compact.

5. PROBATION INVESTIGATION REQUEST:

a. Referral Process:

- (1) When a court considers placing a minor on probation out of state - in a state signatory to the Juvenile Compact - it is necessary under the terms of the Interstate Compact, and for the best interests of the minor, to contact the receiving state requesting its cooperation in making an evaluation of the family in the other state that is being considered as a placement resource.
- (2) This requires the court to prepare a "Probation and Investigation Request" (Form IV) and forward same together with a social history, psychological and psychiatric reports, information as to probation adjustment, and the pertinent court order to Mr. Hilbert Schauer, Interstate Compact Administrator for Juveniles in Colorado, attention Dewey W. Johnson, 112 East 14th Avenue, Denver, Colorado 80203. Any Court that does not have its own probation staff for juveniles may call upon the local county welfare department in its county to prepare the social history.
- (3) The Colorado Juvenile Compact Administrator will communicate with the Juvenile Compact Administrator in the other state for the purpose of obtaining an evaluation of the proposed placement situation in the other state.
- (4) In those cases where a child on probation moves out of state before a referral can be made, or leaves the state without permission, the foregoing procedure will be applicable, subject to terms of his probation.

b. Transportation Arrangements:

When approval is received, necessary transportation arrangements will be made cooperatively by the Compact Administrator and local court. The receiving state shall be notified by the Colorado Compact Administrator, and Form V, "Report of Sending State on Parolee or Probationer" shall be sent to the other jurisdiction.

c. Memorandum of Understanding or Waiver (Form VI):

Before leaving Colorado, the minor must sign Form VI, "Memorandum of Understanding and Waiver" and be fully advised as to status and personal responsibility while out of state, whom to contact, and the process for returning to Colorado, either voluntarily

or by request. The parents, guardians, or other authorized persons must sign the bottom half of Form VI. This form, together with Form V, should be immediately sent to the Interstate Compact Administrator on Juveniles, who will forward same to the Compact Administrator in the receiving state.

d. Status:

Minors placed out of state pursuant to the Interstate Compact law on juveniles will remain on probation and under the jurisdiction of the appropriate local court in the sending state (Colorado). However, while in the receiving state they are under the supervision of that state and subject to its requirements pertaining to juveniles on probation.

e. Progress Reports:

The receiving state will be asked by the Colorado Interstate Compact Administrator on Juveniles to submit quarterly reports that will keep the local Colorado courts properly informed of the minor's progress.

f. Voluntary or Forced Return:

- (1) A minor may return voluntarily to Colorado, preferably after notifying the supervising worker in the receiving state in advance of leaving. Supervising worker should then inform the Colorado Compact Administrator of the minor's plan to return.
- (2) Should a minor become involved in a difficulty in his out-of-state placement and that state requests his return to Colorado, the appropriate local agency of the county of the local court's jurisdiction in Colorado will be requested to assume the cost of transportation, when not otherwise provided (Article II of the Statute)* by the parents or relatives, or the receiving state. The receiving state will inform the Colorado Compact Administrator when and where it intends to return the minor so that minor can be met upon arrival in Colorado and placed appropriately in this state in accordance with local Colorado Court's disposition.

g. Discharge:

When the local court intends to discharge a probationer subject to the terms of his probation, it shall notify the Colorado Compact Administrator.

* ARTICLE II - Existing Rights and Remedies

- h. When discharge is being considered, the receiving state must be informed of the discharge plan by the Colorado Juvenile Compact Administrator in order that the receiving state may express itself as to such plan. No minor should be discharged prior to the expiration of the maximum time permitted for supervision unless the receiving state agrees to such earlier discharge.

6. PAROLE PLANNING AND SUPERVISION

a. Referral Process:

- (1) When a Colorado institution considers placing a minor on parole out-of-state in a state signatory to the Juvenile Compact it is necessary under the terms of the Interstate Compact Law on Juveniles, Article VII(A), and for the best interests of the minor for the institution or Colorado Division of Juvenile Parole to prepare Form IV "Parole or Probation Investigation Request" and forward same with requested social history, diagnostic tests, and any other pertinent data to Mr. Hilbert Schauer, Colorado Compact Administrator on Juveniles, Attention Dewey W. Johnson, Jr., Deputy Administrator.
- (2) The Juvenile Compact Administrator will communicate with the Compact Administrator in the other state for an evaluation of the proposed out-of-state parole placement plan requesting that state's evaluation of the home and persons to which the Colorado Division of Juvenile Parole proposes to parole the minor.

b. Transportation Arrangements:

When approval is received from the receiving state, the Division of Juvenile Parole will make the transportation arrangements. Form V needs to be filled out by the Colorado Division of Juvenile Parole and appropriate data attached as requested by Form V and shall be forwarded to the Colorado Juvenile Compact Administrator. The receiving state shall be notified by the Colorado Juvenile Compact Administrator and Form V, "Report of Sending State on Parolee or Probationer" shall be sent to the Juvenile Compact Administrator of the receiving state.

c. Memorandum of Understanding or Waiver (Form VI):

Before leaving Colorado, the minor must sign Form VI, and be fully advised by the Juvenile Parole Agent as to the status and personal responsibility while out-of-state, whom to contact, and the process for returning to Colorado, either voluntarily or by request.

The parents, guardians, or other authorized persons must sign the bottom half of Form VI. This form together with Form V, should be immediately sent to the Colorado Compact Administrator who will forward same to the Juvenile Compact Administrator in the receiving state.

d. Status:

Minors placed out-of-state on parole pursuant to the Interstate Compact Law on Juveniles will remain on parole under the jurisdiction of the Colorado Division of Juvenile Parole. However, while in the receiving state, the minor is under the supervision of that state and subject to its requirements pertaining to juveniles on parole.

e. Progress Reports:

The receiving state will be asked by the Colorado Juvenile Compact Administrator to submit quarterly reports to the Colorado Juvenile Compact Administrator on their supervision of said minor so that the same may be forwarded to the Colorado Division of Juvenile Parole.

f. Voluntary or Forced Return:

- (1) A minor may return voluntarily to Colorado, preferably after notifying the supervising worker in the receiving state in advance of leaving, who should then inform the Colorado Compact Administrator of the minor's plan to return. The Compact Administrator will in turn notify the Colorado Division of Juvenile Parole.
- (2) The receiving state may request the sending state for a return of a minor as a parole violator. Colorado would authorize the minor's return in accordance with the terms of his parole.
- (3) The supervising agency in the receiving state should always notify the Colorado Compact Administrator when and where it intends to return the minor so that minor can be met upon arrival in Colorado and placed subject to the terms of his parole.

7. Return of Escapees and Absconders:

- a. Return of escapees and absconders apprehended in Colorado to the demanding or home state (only those states signatory to the Juvenile Compact).

(1) Responsible Agency:

- (a) These cases may be handled directly by the Court (handling juveniles), with the demanding or home state when such a minor comes to its attention. A report of the subsequent action in returning the child to the home state is to be filed with the Juvenile Compact Administrator of Colorado.
- (b) The Colorado Court may request the Colorado Compact Administrator to contact the home state and make arrangements for the return of the minor.
- (c) The Colorado Compact Administrator, upon receiving a Requisition for Return of Escapees or Absconders (Form II) will initiate the process of arranging for the minor's return.

(2) When the Criminal Charges or Adjudication as a Delinquent Juvenile are Pending:

If, at the time a state seeks the return of a juvenile escapee or absconder, there is pending any criminal charge or proceedings to have him adjudicated as a delinquent juvenile, he shall not be returned without the consent of Colorado, or until discharged from prosecution or other form of judicial proceeding in accordance with Article VII (C).

b. Return of Escapees or Absconders to Colorado from other States:

- (1) The appropriate court in Colorado from whose probation supervision a juvenile has absconded, or from whose detention facilities he has escaped shall present to the Juvenile Compact Administrator of the state where the juvenile is located, a "Requisition for Return of Escapee or Absconder (Form II)." The Requisition shall be verified by affidavit, executed in duplicate, and accompanied by two certified copies of the judgment or formal adjudication which subjects such juvenile to probation or to the legal custody of the agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. The Compact Administrator then arranges for forwarding to the appropriate agency pursuant to the terms of the Compact.

(2) One copy of the Requisition shall be filed with the Compact Administrator of Colorado.

c. Transportation Arrangements and Cost:

The state to which a delinquent juvenile is returned is responsible for payment of the transportation costs of such return, Article VII, Sec. D. (See Statute).

8. Return of Juvenile Runaways:

a. Definition:

Juvenile, as used in this instruction, means any person who is a minor under the laws of the state of residence of the parent, guardian, person, or agency entitled to the legal custody of such minor.

b. Petition for Requisition to Return a Runaway Juvenile:

The parent, guardian, or agency entitled to legal custody of a dependent juvenile who has run away without consent of such parent, guardian, or agency may petition the appropriate juvenile court for the issuance of a requisition for the juvenile's return.

c. Hearing:

The judge of the court to which the application for a requisition to return is made may hold a hearing to determine whether, for the purpose of the Interstate Compact, the petitioner is entitled to the legal custody of the juvenile, and whether or not it is in the best interest of the juvenile to compel his return to Colorado.

d. Requisition for Runaway Juvenile (Form I):

- (1) If the judge determines that the juvenile should be returned, he shall present to the Compact Administrator of the state where the juvenile is alleged to be located, a written requisition for the return of such juvenile (Form I - Requisition for Runaway Juvenile).
- (2) The requisition shall in every case be executed in duplicate and signed by the judge. One copy shall be filed with the Compact Administrator of the demanding state, to remain on file subject to the provisions of law governing records of the court. The Compact Administrator then arranges for forwarding to the appropriate agency pursuant to the terms of the Compact.

e. Order of Detention:

- (1) Upon receipt of a requisition demanding the return of a juvenile who has run away, the court to whom the requisition is addressed shall issue an order to the appropriate person (peace officer or representative of Compact Administrator) directing him to take such juvenile into custody and detain him.
- (2) If the judge finds that the requisition is in order, he shall cause such juvenile to be released to the demanding state.

f. Detention and Hearing of a Runaway Juvenile Without a Requisition:

Upon reasonable information that a person is a juvenile who has run away from another state which is party to the Interstate Compact, without the consent of a parent, guardian, or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought before a judge of the appropriate court. The court may appoint counsel or guardian ad litem (any county welfare director may be appointed) for such juvenile and determine, after a hearing, whether sufficient cause exists to hold the juvenile for his own protection and welfare for such time, not exceeding 90 days, as will enable his return to another state party to the Interstate Compact, pursuant to a requisition for his return from that state.

g. Transportation of Runaway Juvenile:

The parent, guardian, or agency entitled to his legal custody, or the court that executed the requisition for his return shall be responsible for payment of the transportation costs for the return of the runaway juvenile.

h. Voluntary Return by Runaway:

(1) Consent for Voluntary Return of Runaway (Form III):

Any juvenile who has run away and is taken into custody without a requisition in this or another state, party to the Juvenile Compact, may consent to his immediate return. Such consent shall be given by the juvenile and his counsel or guardian ad litem, if any, by executing the form "Consent for Voluntary Return by Runaway" (Form III).

(2) Return - Accompanied or Unaccompanied:

When the consent has been duly executed, it shall be forwarded to and filed with the appropriate court and the Colorado Compact Administrator. Also a copy shall be sent to the Compact Administrator of the state in which the child is apprehended. The juvenile may be delivered to the duly accredited officer of the state demanding his return, or the juvenile may return unaccompanied to that state with a copy of Form III in his possession. In either case a copy of Form III shall be forwarded to the Compact Administrator of the state to which the juvenile is returned.

9. Any amendments, additions, or changes to these rules and regulations promulgated at any time by the Compact Administrator shall be printed and made supplementary to the foregoing rules and regulations.

ACKNOWLEDGMENTS

In preparation of this manual for the procedures and practices under the Interstate Compact on Juveniles, we wish to acknowledge the following resource materials, and the experience of those who formulated them:

The Rules and Regulations promulgated by Miss Marie Smith, Colorado's first Juvenile Compact Administrator.

The Juvenile Compact Manual, Association of Juvenile Compact Administrators.

The Minutes of the annual meetings of the Association of Juvenile Compact Administrators.

The Colorado statute subscribing to and implementing the Interstate Compact on Juveniles.

Dewey W. Johnson, Jr.
Deputy Compact Administrator

October, 1969

ROSTER

Forty-seven states are now signatory to the Interstate Compact on Juveniles. Georgia, New Mexico, and South Carolina, not yet signatory to the Compact, will make arrangements for evaluation and supervision of placements and return of runaways, in cooperation with the Compact administrators. The usual procedures may be followed.

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