

**Nebraska State Council
Interstate Commission for Juveniles**

June 12, 2015

Call To Order/Roll Call:

The regular meeting of the Nebraska State Council of Interstate Commission for Juveniles (ICJ) was called to order at 10:02 a.m. by Commissioner Jacey Nordmeyer. Per open meeting laws, the meeting notice had been published and posted, and proceedings were being recorded. Roll was called.

Present:

Jacey Nordmeyer, Judge Steven Timm, Judge Robert O'Neal, Senator Colby Coash, Rhonda Rolles, Mark Benne, Richard Shea, and Peg Barner.

Also present: Abbie Christian, Catherine Corbet, and Sue Olson.

Not Present:

Kari Rumbaugh and Tony Green

Quorum was met.

Approval of Minutes:

The Minutes of the November 14, 2014, meeting were approved as distributed.

Old Business:

Council Training Stakeholders – Jacey Nordmeyer and Abbie Christian discussed the ongoing need for providing training to stakeholders with regards to runaways. Discussion was held regarding the Form III procedure and the process used when a juvenile refuses to sign the document. The process of investigating reports of abuse/neglect were explained.

There was additional training discussion about juveniles who sexually offend. Christian explained that since there is no juvenile sex offender registry in Nebraska, in-coming juveniles who must register are placed on the adult Nebraska Sex Offender Registry, which has public access.

Christian also reported the national trend of increased reports of human trafficking. Nordmeyer shared information about an incident involving a Nebraska juvenile runaway whose home situation was investigated due to allegations of trafficking by a family member.

Christian reported statewide training of Probation staff is typically conducted in February. Besides providing an overview of the training that is already being provided, information about rule updates is shared. Christian added that one issue with runaways is the fact they do not happen on a regular basis. She reported having developed a checklist/flowchart for guidance to officers, which is located on the Probation Intranet for easy access. Christian added

officers can engage stakeholders with the correct steps and protocol to guide the staff on how to deal with a case, by sharing the location of the on-line Rules and Bench Book.

Nordmeyer and Christian shared concerns in regard to other states that propose travel arrangements for runaway youth to be returned alone on a bus. They explained there are no secure options for travel by bus when a youth can choose to get off at any bus stop. They added youth who have been returned by plane have been more successful and is considered to be secure. If a youth has a layover during a flight, all Compact States provide layover supervision.

Opportunity for additional training of stakeholders was discussed. The following were mentioned: a booth at the Nebraska Juvenile Justice Association (NJJA) meetings and conferences with Monica Miles-Steffens as contact. Training for Nebraska judges through the Judicial Branch Education (JBE), with Carole McMahon-Boies as contact. Sarpy County Law Enforcement Training in September, with Chief Deputy Sheriff Greg London as contact.

Christian reported the national Interstate Commission for Juveniles (ICJ) is conducting a nation-wide audit of cases in Juvenile Interstate Data System (JIDS). She said Nebraska's review should be conducted sometime before the end of the year.

New Business:

ICJ National Committees –

Christian reported she is a member of the National ICJ Technology Committee, which meets telephonically on a regular basis to discuss problems and potential solutions to issues with JIDS. She said the committee decided to delay a final decision on whether to revamp or replace JIDS as the electronic-based system for ICJ. Instead, the committee has focused on adapting the following current forms:

- *Final Travel Plan.* – Development of new travel plan form to include names of individuals who are authorized to pick up the runaway. This should be available live in about a month.
- *Form IA/VI-Application for Services and Waiver* – The form was changed by removing the parent/guardian signature and requiring only the signatures of the juvenile and judge.
- *Juvenile Rights Form for Consent for Voluntary Return*—Currently an optional form, there had been discussion of whether it should be continued to be provided in JIDS. Christian said this is a form Nebraska uses on a regular basis and, should it be removed from JIDS, suggested Nebraska develop its own form.
- *Form X-Case Closure Notification Form* – Christian said wording was clarified.

Christian said in addition to the National Technology Committee, she also is a member of the National Compliance Committee, the function of which is to address/resolve any complaints

filed by member states. Nordmeyer praised Christian, stating it is very good to have Nebraska represented on these two highly regarded committees.

2015 Rule Proposals –

Christian distributed a summary of the 2015 Rule Proposals that are scheduled to be discussed and voted on at the ICJ National Business Meeting in August. Following is a brief summary of each rule and the outcome:

Rule 1-101: Definitions – Clarification of definitions regarding Custodial Agency, Home Evaluation/Investigation and Legal Guardian. Judge Robert O’Neal moved the council support this change; seconded by Judge Steven Timm. Motion carried supporting this rule change.

Rule 2-104: Communication requirements between States – Removed language requiring an email copy of approved correspondence between local jurisdictions be sent to each State’s ICJ Office since information is currently shared via the electronic data system. O’Neal moved the council oppose this change; seconded by Peg Barner. Motion carried opposing this rule change.

Rule 4-101: Eligibility requirements for the Transfer of Supervision – Inserts a paragraph to clarify a request for transfer of supervision for the sole purpose of collecting restitution and/or court fines is not justifiable. O’Neal moved the council support this change; seconded by Richard Shea. Motion carried supporting this rule change.

Rule 4-101: Eligibility requirements for the Transfer of Supervision – Adds language to allow States to request a home evaluation for a youth pending adjudication to help determine appropriateness of a placement. Shea moved the council support this change; seconded by Timm. Motion carried supporting this rule change.

Rule 4-102: Sending and Receiving Referrals – Adds language to direct Receiving States to proceed with a home evaluation and assist Sending States in obtaining the required signature(s) on the Form IA/VI when the Form IA/VI does not contain the required signature(s) at the time of the submission of the referral packet. O’Neal moved the council support this change; seconded by Shea. Motion carried supporting this rule change.

Rule 5-101: Supervision/Service Requirements – Amended language for clarity and consistency and added language to clarify that supervision for the sole purpose of collecting restitution or court fines is not a justifiable reason to continue or extend

supervision. Timm moved the council support this change; seconded by Mark Benne. Motion carried supporting this rule change.

Rule 5-103: Reporting Juvenile Non-compliance, Failed supervision and Retaking – Amended language for clarity and consistency and added language to clarify requirements for a failed placement as proposed by Midwest Region. O’Neal moved the council support this change; seconded by Barner. Motion carried supporting this rule change.

Rule 6-102: –Voluntary Return of Runaways, Probation/Parole Absconders, Escapees or Accused Delinquents – Amended for clarity and consistency and removed removes reference to Juvenile Rights Form based on proposal to delete the Juvenile Rights Form. Barner moved the council oppose this change; seconded by Benne. Motion carried opposing this rule change.

Rule 7-101: Financial Responsibility – Adds language from Rule 7-105 to clarify the Home/Demanding/Sending State shall not be responsible for the cost of detaining juvenile unless return is not executed in required time frame. Shea moved the council support this change; seconded by Rhonda Rolles. Motion carried supporting this rule change.

Rule 7-104: Warrants – Adds/removes language to clarify entering warrants into NCIC and defining geographic limits. Benne moved the council support this change; seconded by Barner. Motion carried supporting this rule change.

Rule 7-106: Transportation – Adds language to prohibit the Home/Demanding State from using commercial ground transportation (i.e., bus) unless all other options are exhausted. O’Neal moved the council support this change; seconded by Timm. Motion carried supporting this rule change.

New Rule: Probable Cause Hearing in a Receiving state or Adjudication/Conviction for a New Offense – New rule added to require a Probable Cause Hearing (or waiver) when a juvenile is subject to retaking for an alleged violation of conditions of supervision. Proposed rule brings ICJ into compliance with two Supreme Court opinions. After discussion O’Neal moved the council support this change; seconded by Benne. Motion carried supporting this rule change.

New Rule 6-105: Return of Juveniles When Abuse or Neglect is Reported – New rule created that applies to all returns when abuse or neglect is reported. Language was moved from the current Rule 6-101(3) and (4) and amended with additional language for clarity and emphasis to the responsibility of the Home/ Demanding state to safely return the

juvenile. Discussion was held as to whether the proposed five-day time limit was long enough to complete an investigation to ensure the youth is returned to a safe environment. Barner moved the council oppose this change; seconded by Shea. Motion carried opposing this rule change.

Nordmeyer and Christian reported on a recent Interstate In case that had made the headlines. A juvenile who had been convicted and sentenced as a juvenile who sexually offended. He had been ordered by a Minnesota Court to register as a sex offender. The juvenile's family requested he be able to transfer to Nebraska so he could reside with his grandparents. However, since Nebraska doesn't have a juvenile sex offender registry, per Nebraska Statutes and Compact Rules, he would be required to register on the Nebraska State Patrol Adult Sex Offender Registry. The grandparents filed a lawsuit challenging this requirement and, at one point, the Compact Office was restrained from commenting on the case. A temporary agreement in the courts has permitted the juvenile to remain in Nebraska without being on a registry and removed the Compact Office from the lawsuit.

Nordmeyer and Christian reported there have been an increased number of cases coming into the state that require sex offender registry. They said two possible solutions would involve removing Nebraska statutory language requiring juveniles to register on the adult registry or developing a juvenile registry, which reveals much less personal information about the juvenile.

Discussion by Abbie in regards to deleting youth records off of JIDS. Records are sealed currently, they are not deleted but are sealed. Not available for access by any one, except Probation and Judicial.

Next Meeting: _____ 2015, at 10:00 a.m.

Adjournment: There being no further business, Timm moved the meeting adjourn; seconded, by Benne. The meeting adjourned at 11:43 a.m.

Submitted by: Sue Olson