

FIRST REGULAR SESSION

HOUSE BILL NO. 695

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), MYERS AND MOORE (Co-sponsors).

Read 1st time March 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1596L.011

AN ACT

To repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be known as sections 210.570 and
3 210.580, to read as follows:

**210.570. This interstate compact for juveniles is entered with all jurisdictions
2 legally joining the compact in the form substantially as follows:**

3 THE INTERSTATE COMPACT FOR JUVENILES

4 ARTICLE I

5 PURPOSE

**6 The compacting states to this Interstate Compact recognize that each state is
7 responsible for the proper supervision or return of juveniles, delinquents and status
8 offenders who are on probation or parole and who have absconded, escaped or run away
9 from supervision and control and in so doing have endangered their own safety and the
10 safety of others. The compacting states also recognize that each state is responsible for the
11 safe return of juveniles who have run away from home and in doing so have left their state
12 of residence. The compacting states also recognize that Congress, by enacting the Crime
13 Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for
14 cooperative efforts and mutual assistance in the prevention of crime.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 It is the purpose of this compact, through means of joint and cooperative action
16 among the compacting states to: (A) ensure that the adjudicated juveniles and status
17 offenders subject to this compact are provided adequate supervision and services in the
18 receiving state as ordered by the adjudicating judge or parole authority in the sending
19 state; (B) ensure that the public safety interests of the citizens, including the victims of
20 juvenile offenders, in both the sending and receiving states are adequately protected; (C)
21 return juveniles who have run away, absconded or escaped from supervision or control or
22 have been accused of an offense to the state requesting their return; (D) make contracts for
23 the cooperative institutionalization in public facilities in member states for delinquent
24 youth needing special services; (E) provide for the effective tracking and supervision of
25 juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states;
26 (G) establish procedures to manage the movement between states of juvenile offenders
27 released to the community under the jurisdiction of courts, juvenile departments, or any
28 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H)
29 insure immediate notice to jurisdictions where defined offenders are authorized to travel
30 or to relocate across state lines; (I) establish procedures to resolve pending charges
31 (detainers) against juvenile offenders prior to transfer or release to the community under
32 the terms of this compact; (J) establish a system of uniform data collection on information
33 pertaining to juveniles subject to this compact that allows access by authorized juvenile
34 justice and criminal justice officials, and regular reporting of Compact activities to heads
35 of state executive, judicial, and legislative branches and juvenile and criminal justice
36 administrators; (K) monitor compliance with rules governing interstate movement of
37 juveniles and initiate interventions to address and correct non-compliance; (L) coordinate
38 training and education regarding the regulation of interstate movement of juveniles for
39 officials involved in such activity; and (M) coordinate the implementation and operation
40 of the compact with the Interstate Compact for the Placement of Children, the Interstate
41 Compact for Adult Offender Supervision and other compacts affecting juveniles
42 particularly in those cases where concurrent or overlapping supervision issues arise. It is
43 the policy of the compacting states that the activities conducted by the Interstate
44 Commission created herein are the formation of public policies and therefore are public
45 business. Furthermore, the compacting states shall cooperate and observe their individual
46 and collective duties and responsibilities for the prompt return and acceptance of juveniles
47 subject to the provisions of this compact. The provisions of this compact shall be
48 reasonably and liberally construed to accomplish the purposes and policies of the compact.

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**ARTICLE II
DEFINITIONS**

As used in this compact, unless the context clearly requires a different construction:

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

B. "Compact Administrator" means: the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

C. "Compacting State" means: any state which has enacted the enabling legislation for this compact.

D. "Commissioner" means: the voting representative of each compacting state appointed pursuant to Article III of this compact.

E. "Court" means: any court having jurisdiction over delinquent, neglected, or dependent children.

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

G. "Interstate Commission" means: the Interstate Commission for Juveniles created by Article III of this compact.

H. "Juvenile" means: any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(1) Accused Delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) Adjudicated Delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) Accused Status Offender - a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) Adjudicated Status Offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

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

120 for such additional ex-officio (non-voting) members, including members of other national
121 organizations, in such numbers as shall be determined by the commission.

122 **D.** Each compacting state represented at any meeting of the commission is entitled
123 to one vote. A majority of the compacting states shall constitute a quorum for the
124 transaction of business, unless a larger quorum is required by the by-laws of the Interstate
125 Commission.

126 **E.** The commission shall meet at least once each calendar year. The chairperson
127 may call additional meetings and, upon the request of a simple majority of the compacting
128 states, shall call additional meetings. Public notice shall be given of all meetings and
129 meetings shall be open to the public.

130 **F.** The Interstate Commission shall establish an executive committee, which shall
131 include commission officers, members, and others as determined by the by-laws. The
132 executive committee shall have the power to act on behalf of the Interstate Commission
133 during periods when the Interstate Commission is not in session, with the exception of
134 rulemaking and/or amendment to the compact. The executive committee shall oversee the
135 day-to-day activities of the administration of the compact managed by an executive
136 director and Interstate Commission staff; administers enforcement and compliance with
137 the provisions of the compact, its by-laws and rules, and performs such other duties as
138 directed by the Interstate Commission or set forth in the by-laws.

139 **G.** Each member of the Interstate Commission shall have the right and power to
140 cast a vote to which that compacting state is entitled and to participate in the business and
141 affairs of the Interstate Commission. A member shall vote in person and shall not delegate
142 a vote to another compacting state. However, a commissioner, in consultation with the
143 state council, shall appoint another authorized representative, in the absence of the
144 commissioner from that state, to cast a vote on behalf of the compacting state at a specified
145 meeting. The by-laws may provide for members' participation in meetings by telephone
146 or other means of telecommunication or electronic communication.

147 **H.** The Interstate Commission's by-laws shall establish conditions and procedures
148 under which the Interstate Commission shall make its information and official records
149 available to the public for inspection or copying. The Interstate Commission may exempt
150 from disclosure any information or official records to the extent they would adversely
151 affect personal privacy rights or proprietary interests.

152 **I.** Public notice shall be given of all meetings and all meetings shall be open to the
153 public, except as set forth in the Rules or as otherwise provided in the Compact. The
154 Interstate Commission and any of its committees may close a meeting to the public where
155 it determines by two-thirds vote that an open meeting would be likely to:

- 156 **1. Relate solely to the Interstate Commission's internal personnel practices and**
157 **procedures;**
- 158 **2. Disclose matters specifically exempted from disclosure by statute;**
- 159 **3. Disclose trade secrets or commercial or financial information which is privileged**
160 **or confidential;**
- 161 **4. Involve accusing any person of a crime, or formally censuring any person;**
- 162 **5. Disclose information of a personal nature where disclosure would constitute a**
163 **clearly unwarranted invasion of personal privacy;**
- 164 **6. Disclose investigative records compiled for law enforcement purposes;**
- 165 **7. Disclose information contained in or related to examination, operating or**
166 **condition reports prepared by, or on behalf of or for the use of, the Interstate Commission**
167 **with respect to a regulated person or entity for the purpose of regulation or supervision of**
168 **such person or entity;**
- 169 **8. Disclose information, the premature disclosure of which would significantly**
170 **endanger the stability of a regulated person or entity; or**
- 171 **9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its**
172 **participation in a civil action or other legal proceeding.**
- 173 **J. For every meeting closed pursuant to this provision, the Interstate Commission's**
174 **legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be**
175 **closed to the public, and shall reference each relevant exemptive provision. The Interstate**
176 **Commission shall keep minutes which shall fully and clearly describe all matters discussed**
177 **in any meeting and shall provide a full and accurate summary of any actions taken, and**
178 **the reasons therefore, including a description of each of the views expressed on any item**
179 **and the record of any roll call vote (reflected in the vote of each member on the question).**
180 **All documents considered in connection with any action shall be identified in such minutes.**
- 181 **K. The Interstate Commission shall collect standardized data concerning the**
182 **interstate movement of juveniles as directed through its rules which shall specify the data**
183 **to be collected, the means of collection and data exchange and reporting requirements.**
184 **Such methods of data collection, exchange and reporting shall insofar as is reasonably**
185 **possible conform to up-to-date technology and coordinate its information functions with**
186 **the appropriate repository of records.**

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

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188 **The commission shall have the following powers and duties:**

- 189 **1. To provide for dispute resolution among compacting states.**
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- 191 **2. To promulgate rules to effect the purposes and obligations as enumerated in this**
192 **compact, which shall have the force and effect of statutory law and shall be binding in the**
193 **compacting states to the extent and in the manner provided in this compact.**
- 194 **3. To oversee, supervise and coordinate the interstate movement of juveniles subject**
195 **to the terms of this compact and any by-laws adopted and rules promulgated by the**
196 **Interstate Commission.**
- 197 **4. To enforce compliance with the compact provisions, the rules promulgated by**
198 **the Interstate Commission, and the by-laws, using all necessary and proper means,**
199 **including but not limited to the use of judicial process.**
- 200 **5. To establish and maintain offices which shall be located within one or more of**
201 **the compacting states.**
- 202 **6. To purchase and maintain insurance and bonds.**
- 203 **7. To borrow, accept, hire or contract for services of personnel.**
- 204 **8. To establish and appoint committees and hire staff which it deems necessary for**
205 **the carrying out of its functions including, but not limited to, an executive committee as**
206 **required by Article III which shall have the power to act on behalf of the Interstate**
207 **Commission in carrying out its powers and duties hereunder.**
- 208 **9. To elect or appoint such officers, attorneys, employees, agents, or consultants,**
209 **and to fix their compensation, define their duties and determine their qualifications; and**
210 **to establish the Interstate Commission's personnel policies and programs relating to, inter**
211 **alia, conflicts of interest, rates of compensation, and qualifications of personnel.**
- 212 **10. To accept any and all donations and grants of money, equipment, supplies,**
213 **materials, and services, and to receive, utilize, and dispose of it.**
- 214 **11. To lease, purchase, accept contributions or donations of, or otherwise to own,**
215 **hold, improve or use any property, real, personal, or mixed.**
- 216 **12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
217 **dispose of any property, real, personal or mixed.**
- 218 **13. To establish a budget and make expenditures and levy dues as provided in**
219 **Article VIII of this compact.**
- 220 **14. To sue and be sued.**
- 221 **15. To adopt a seal and by-laws governing the management and operation of the**
222 **Interstate Commission.**
- 223 **16. To perform such functions as may be necessary or appropriate to achieve the**
224 **purposes of this compact.**
- 225 **17. To report annually to the legislatures, governors, judiciary, and state councils**
226 **of the compacting states concerning the activities of the Interstate Commission during the**

263 remuneration from the Interstate Commission; provided that, subject to the availability
264 of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs
265 and expenses incurred by them in the performance of their duties and responsibilities as
266 officers of the Interstate Commission.

267 2. The Interstate Commission shall, through its executive committee, appoint or
268 retain an executive director for such period, upon such terms and conditions and for such
269 compensation as the Interstate Commission may deem appropriate. The executive director
270 shall serve as secretary to the Interstate Commission, but shall not be a Member and shall
271 hire and supervise such other staff as may be authorized by the Interstate Commission.

272 Section C. Qualified Immunity, Defense and Indemnification

273 1. The Commission's executive director and employees shall be immune from suit
274 and liability, either personally or in their official capacity, for any claim for damage to or
275 loss of property or personal injury or other civil liability caused or arising out of or
276 relating to any actual or alleged act, error, or omission that occurred, or that such person
277 had a reasonable basis for believing occurred within the scope of Commission employment,
278 duties, or responsibilities; provided, that any such person shall not be protected from suit
279 or liability for any damage, loss, injury, or liability caused by the intentional or willful and
280 wanton misconduct of any such person.

281 2. The liability of any commissioner, or the employee or agent of a commissioner,
282 acting within the scope of such person's employment or duties for acts, errors, or omissions
283 occurring within such person's state may not exceed the limits of liability set forth under
284 the Constitution and laws of that state for state officials, employees, and agents. Nothing
285 in this subsection shall be construed to protect any such person from suit or liability for
286 any damage, loss, injury, or liability caused by the intentional or willful and wanton
287 misconduct of any such person.

288 3. The Interstate Commission shall defend the executive director or the employees
289 or representatives of the Interstate Commission and, subject to the approval of the
290 Attorney General of the state represented by any commissioner of a compacting state, shall
291 defend such commissioner or the commissioner's representatives or employees in any civil
292 action seeking to impose liability arising out of any actual or alleged act, error or omission
293 that occurred within the scope of Interstate Commission employment, duties or
294 responsibilities, or that the defendant had a reasonable basis for believing occurred within
295 the scope of Interstate Commission employment, duties, or responsibilities, provided that
296 the actual or alleged act, error, or omission did not result from intentional or willful and
297 wanton misconduct on the part of such person.

334 rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it
335 would be considered substantial evidence under the Model State Administrative
336 Procedures Act.

337 E. If a majority of the legislatures of the compacting states rejects a rule, those
338 states may, by enactment of a statute or resolution in the same manner used to adopt the
339 compact, cause that such rule shall have no further force and effect in any compacting
340 state.

341 F. The existing rules governing the operation of the Interstate Compact on
342 Juveniles superseded by this act shall be null and void twelve (12) months after the first
343 meeting of the Interstate Commission created hereunder.

344 G. Upon determination by the Interstate Commission that a state-of-emergency
345 exists, it may promulgate an emergency rule which shall become effective immediately
346 upon adoption, provided that the usual rulemaking procedures provided hereunder shall
347 be retroactively applied to said rule as soon as reasonably possible, but no later than ninety
348 (90) days after the effective date of the emergency rule.

349 ARTICLE VII

350 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE 351 INTERSTATE COMMISSION

352 Section A. Oversight

353 1. The Interstate Commission shall oversee the administration and operations of
354 the interstate movement of juveniles subject to this compact in the compacting states and
355 shall monitor such activities being administered in non-compacting states which may
356 significantly affect compacting states.

357 2. The courts and executive agencies in each compacting state shall enforce this
358 compact and shall take all actions necessary and appropriate to effectuate the compact's
359 purposes and intent. The provisions of this compact and the rules promulgated hereunder
360 shall be received by all the judges, public officers, commissions, and departments of the
361 state government as evidence of the authorized statute and administrative rules. All courts
362 shall take judicial notice of the compact and the rules. In any judicial or administrative
363 proceeding in a compacting state pertaining to the subject matter of this compact which
364 may affect the powers, responsibilities or actions of the Interstate Commission, it shall be
365 entitled to receive all service of process in any such proceeding, and shall have standing to
366 intervene in the proceeding for all purposes.

367 Section B. Dispute Resolution

438 **withdrawing state. The Interstate Commission shall notify the other compacting states of**
439 **the withdrawing state's intent to withdraw within sixty days of its receipt thereof.**

440 **4. The withdrawing state is responsible for all assessments, obligations and**
441 **liabilities incurred through the effective date of withdrawal, including any obligations, the**
442 **performance of which extend beyond the effective date of withdrawal.**

443 **5. Reinstatement following withdrawal of any compacting state shall occur upon**
444 **the withdrawing state reenacting the compact or upon such later date as determined by the**
445 **Interstate Commission.**

446 **Section B. Technical Assistance, Fines, Suspension, Termination and Default**

447 **1. If the Interstate Commission determines that any compacting state has at any**
448 **time defaulted in the performance of any of its obligations or responsibilities under this**
449 **compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose**
450 **any or all of the following penalties:**

451 **a. Remedial training and technical assistance as directed by the Interstate**
452 **Commission;**

453 **b. Alternative Dispute Resolution;**

454 **c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by**
455 **the Interstate Commission; and**

456 **d. Suspension or termination of membership in the compact, which shall be**
457 **imposed only after all other reasonable means of securing compliance under the by-laws**
458 **and rules have been exhausted and the Interstate Commission has therefore determined**
459 **that the offending state is in default. Immediate notice of suspension shall be given by the**
460 **Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of**
461 **the state, the majority and minority leaders of the defaulting state's legislature, and the**
462 **state council. The grounds for default include, but are not limited to, failure of a**
463 **compacting state to perform such obligations or responsibilities imposed upon it by this**
464 **compact, the by-laws, or duly promulgated rules and any other grounds designated in**
465 **commission by-laws and rules. The Interstate Commission shall immediately notify the**
466 **defaulting state in writing of the penalty imposed by the Interstate Commission and of the**
467 **default pending a cure of the default. The commission shall stipulate the conditions and**
468 **the time period within which the defaulting state must cure its default. If the defaulting**
469 **state fails to cure the default within the time period specified by the commission, the**
470 **defaulting state shall be terminated from the compact upon an affirmative vote of a**
471 **majority of the compacting states and all rights, privileges and benefits conferred by this**
472 **compact shall be terminated from the effective date of termination.**

509 **BINDING EFFECT OF COMPACT AND OTHER LAWS**510 **Section A. Other Laws**

511 **1. Nothing herein prevents the enforcement of any other law of a compacting state**
 512 **that is not inconsistent with this compact.**

513 **2. All compacting states' laws other than state Constitutions and other interstate**
 514 **compacts conflicting with this compact are superseded to the extent of the conflict.**

515 **Section B. Binding Effect of the Compact**

516 **1. All lawful actions of the Interstate Commission, including all rules and by-laws**
 517 **promulgated by the Interstate Commission, are binding upon the compacting states.**

518 **2. All agreements between the Interstate Commission and the compacting states are**
 519 **binding in accordance with their terms.**

520 **3. Upon the request of a party to a conflict over meaning or interpretation of**
 521 **Interstate Commission actions, and upon a majority vote of the compacting states, the**
 522 **Interstate Commission may issue advisory opinions regarding such meaning or**
 523 **interpretation.**

524 **4. In the event any provision of this compact exceeds the constitutional limits**
 525 **imposed on the legislature of any compacting state, the obligations, duties, powers or**
 526 **jurisdiction sought to be conferred by such provision upon the Interstate Commission shall**
 527 **be ineffective and such obligations, duties, powers or jurisdiction shall remain in the**
 528 **compacting state and shall be exercised by the agency thereof to which such obligations,**
 529 **duties, powers or jurisdiction are delegated by law in effect at the time this compact**
 530 **becomes effective.**

210.580. The compact shall become **effective and** binding upon the state of Missouri
 2 [when signed by the commissioners as herein provided and by the proper authorities of any other
 3 state entering into the compact] **upon legislative enactment of the compact into law by no less**
 4 **than thirty-five of the states. The initial effective date shall be the later of July 1, 2005, or**
 5 **upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become**
 6 **effective and binding as to any other compacting state upon enactment of the compact into**
 7 **law by that state.**

[210.570. Within sixty days after sections 210.570 to 210.600 become
 2 effective, the governor, by and with the advice and consent of the senate, shall
 3 appoint three commissioners to enter into a compact on behalf of the state of
 4 Missouri with other states. If the senate is not in session at the time for making
 5 such appointments, the governor shall make temporary appointments as in the
 6 case of a vacancy. Any two of the commissioners so appointed together with the
 7 attorney general of the state of Missouri may act to enter into the following
 8 compact:

9 INTERSTATE COMPACT ON JUVENILES The contracting states
10 solemnly agree:

11 ARTICLE I

12 That juveniles who are not under proper supervision and control, or who
13 have absconded, escaped or run away, are likely to endanger their own health,
14 morals and welfare, and the health, morals and welfare of others. The
15 cooperation of the states party to this compact is therefore necessary to provide
16 for the welfare and protection of juveniles and of the public with respect to (1)
17 cooperative supervision of delinquent juveniles on probation or parole; (2) the
18 return, from one state to another, of delinquent juveniles who have escaped or
19 absconded; (3) the return, from one state to another, of nondelinquent juveniles
20 who have run away from home; and (4) additional measures for the protection of
21 juveniles and of the public, which any two or more of the party states may find
22 desirable to undertake cooperatively. In carrying out the provisions of this
23 compact the party states shall be guided by the noncriminal, reformatory and
24 protective policies which guide their laws concerning delinquent, neglected or
25 dependent juveniles generally. It shall be the policy of the states party to this
26 compact to cooperate and observe their respective responsibilities for the
27 prompt return and acceptance of juveniles and delinquent juveniles who become
28 subject to the provisions of this compact. The provisions of this compact shall
29 be reasonably and liberally construed to accomplish the foregoing purposes.

30 ARTICLE II

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

34 ARTICLE III

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

46 ARTICLE IV

47 (a) That the parent, guardian, person or agency entitled to legal custody
48 of a juvenile who has not been adjudged delinquent but who has run away
49 without the consent of such parent, guardian, person or agency may petition the
50 appropriate court in the demanding state for the issuance of a requisition for his
51 return. The petition shall state the name and age of the juvenile, the name of the

52 petitioner and the basis of entitlement to the juvenile's custody, the circumstances
53 of his running away, his location if known at the time application is made, and
54 such other facts as may tend to show that the juvenile who has run away is
55 endangering his own welfare or the welfare of others and is not an emancipated
56 minor. The petition shall be verified by affidavit, shall be executed in duplicate,
57 and shall be accompanied by two certified copies of the document or documents
58 on which the petitioner's entitlement to the juvenile's custody is based, such as
59 birth certificates, letters of guardianship, or custody decrees. Such further
60 affidavits and other documents as may be deemed proper may be submitted with
61 such petition. The judge of the court to which this application is made may hold
62 a hearing thereon to determine whether for the purposes of this compact the
63 petitioner is entitled to the legal custody of the juvenile, whether or not it appears
64 that the juvenile has in fact run away without consent, whether or not he is an
65 emancipated minor, and whether or not it is in the best interest of the juvenile to
66 compel his return to the state. If the judge determines, either with or without a
67 hearing, that the juvenile should be returned, he shall present to the appropriate
68 court or to the executive authority of the state where the juvenile is alleged to be
69 located a written requisition for the return of such juvenile. Such requisition
70 shall set forth the name and age of the juvenile, the determination of the court
71 that the juvenile has run away without the consent of a parent, guardian, person
72 or agency entitled to his legal custody, and that it is in the best interest and for the
73 protection of such juvenile that he be returned. In the event that a proceeding for
74 the adjudication of the juvenile as a delinquent, neglected or dependent juvenile
75 is pending in the court at the time when such juvenile runs away, the court may
76 issue a requisition for the return of such juvenile upon its own motion, regardless
77 of the consent of the parent, guardian, person or agency entitled to legal custody,
78 reciting therein the nature and circumstances of the pending proceeding. The
79 requisition shall in every case be executed in duplicate and shall be signed by the
80 judge. One copy of the requisition shall be filed with the compact administrator
81 of the demanding state, there to remain on file subject to the provisions of law
82 governing records of such court. Upon the receipt of a requisition demanding the
83 return of a juvenile who has run away, the court or the executive authority to
84 whom the requisition is addressed shall issue an order to any peace officer or
85 other appropriate person directing him to take into custody and detain such
86 juvenile. Such detention order must substantially recite the facts necessary to the
87 validity of its issuance hereunder. No juvenile detained upon such order shall be
88 delivered over to the officer whom the court demanding him shall have appointed
89 to receive him, unless he shall first be taken forthwith before a judge of a court
90 in the state, who shall inform him of the demand made for his return, and who
91 may appoint counsel or guardian ad litem for him. If the judge of such court shall
92 find that the requisition is in order, he shall deliver such juvenile over to the
93 officer whom the court demanding him shall have appointed to receive him. The

94 judge, however, may fix a reasonable time to be allowed for the purpose of
95 testing the legality of the proceeding.

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

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

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

123 ARTICLE V

124 (a) That the appropriate person or authority from whose probation or
125 parole supervision a delinquent juvenile has absconded or from whose
126 institutional custody he has escaped shall present to the appropriate court or to
127 the executive authority of the state where the delinquent juvenile is alleged to be
128 located a written requisition for the return of such delinquent juvenile. Such
129 requisition shall state the name and age of the delinquent juvenile, the particulars
130 of his adjudication as a delinquent juvenile, the circumstances of the breach of
131 the terms of his probation or parole or of his escape from an institution or agency
132 vested with his legal custody or supervision, and the location of such delinquent
133 juvenile, if known, at the time the requisition is made. The requisition shall be
134 verified by affidavit, shall be executed in duplicate, and shall be accompanied by
135 two certified copies of the judgment, formal adjudication, or order of
136 commitment which subjects such delinquent juvenile to probation or parole or to

137 the legal custody of the institution or agency concerned. Such further affidavits
138 and other documents as may be deemed proper may be submitted with such
139 requisition. One copy of the requisition shall be filed with the compact
140 administrator of the demanding state, there to remain on file subject to the
141 provisions of law governing records of the appropriate court. Upon the receipt
142 of a requisition demanding the return of a delinquent juvenile who has absconded
143 or escaped, the court or the executive authority to whom the requisition is
144 addressed shall issue an order to any peace officer or other appropriate person
145 directing him to take into custody and detain such delinquent juvenile. Such
146 detention order must substantially recite the facts necessary to the validity of the
147 issuance hereunder. No delinquent juvenile detained upon such order shall be
148 delivered over to the officer whom the appropriate person or authority demanding
149 him shall have appointed to receive him, unless he shall first be taken forthwith
150 before a judge of an appropriate court in the state, who shall inform him of the
151 demand made for his return and who may appoint counsel or guardian ad litem
152 for him. If the judge of such court shall find that the requisition is in order, he
153 shall deliver such delinquent juvenile over to the officer whom the appropriate
154 person or authority demanding him shall have appointed to receive him. The
155 judge, however, may fix a reasonable time to be allowed for the purpose of
156 testing the legality of the proceeding.

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

180 the delinquent juvenile shall be subject to such further proceedings as may be
181 appropriate under the laws of that state.

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

184 ARTICLE VI

185 That any delinquent juvenile who has absconded while on probation or
186 parole, or escaped from an institution or agency vested with his legal custody or
187 supervision in any state party to this compact, and any juvenile who has run away
188 from any state party to this compact, who is taken into custody without a
189 requisition in another state party to this compact under the provisions of Article
190 IV(a) or of Article V(a), may consent to his immediate return to the state from
191 which he absconded, escaped or ran away. Such consent shall be given by the
192 juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by
193 executing or subscribing a writing, in the presence of a judge of the appropriate
194 court, which states that the juvenile or delinquent juvenile and his counsel or
195 guardian ad litem, if any, consent to his return to the demanding state. Before
196 such consent shall be executed or subscribed, however, the judge, in the presence
197 of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent
198 juvenile of his rights under this compact. When the consent has been duly
199 executed, it shall be forwarded to and filed with the compact administrator of the
200 state in which the court is located and the judge shall direct the officer having the
201 juvenile or delinquent juvenile in custody to deliver him to the duly accredited
202 officer or officers of the state demanding his return, and shall cause to be
203 delivered to such officer or officers a copy of the consent. The court may,
204 however, upon the request of the state to which the juvenile or delinquent
205 juvenile is being returned, order him to return unaccompanied to such state and
206 shall provide him with a copy of such court order; in such event a copy of the
207 consent shall be forwarded to the compact administrator of the state to which said
208 juvenile or delinquent juvenile is ordered to return.

209 ARTICLE VII

210 (a) That the duly constituted judicial and administrative authorities of a
211 state party to this compact (herein called "sending state") may permit any
212 delinquent juvenile within such state, placed on probation or parole, to reside in
213 any other state party to this compact (herein called "receiving state") while on
214 probation or parole, and the receiving state shall accept such delinquent juvenile,
215 if the parent, guardian or person entitled to the legal custody of such delinquent
216 juvenile is residing or undertakes to reside within the receiving state. Before
217 granting such permission, opportunity shall be given to the receiving state to
218 make such investigations as it deems necessary. The authorities of the sending
219 state shall send to the authorities of the receiving state copies of pertinent court
220 orders, social case studies and all other available information which may be of
221 value to and assist the receiving state in supervising a probationer or parolee
222 under this compact. A receiving state, in its discretion, may agree to accept

223 supervision of a probationer or parolee in cases where the parent, guardian or
 224 person entitled to the legal custody of the delinquent juvenile is not a resident of
 225 the receiving state, and if so accepted the sending state may transfer supervision
 226 accordingly.

227 (b) That each receiving state will assume the duties of visitation and of
 228 supervision over any such delinquent juvenile and in the exercise of those duties
 229 will be governed by the same standards of visitation and supervision that prevail
 230 for its own delinquent juveniles released on probation or parole.

231 (c) That, after consultation between the appropriate authorities of the
 232 sending state and of the receiving state as to the desirability and necessity of
 233 returning such a delinquent juvenile, the duly accredited officers of a sending
 234 state may enter a receiving state and there apprehend and retake any such
 235 delinquent juvenile on probation or parole. For that purpose, no formalities will
 236 be required, other than establishing the authority of the officer and the identity of
 237 the delinquent juvenile to be retaken and returned. The decision of the sending
 238 state to retake a delinquent juvenile on probation or parole shall be conclusive
 239 upon and not reviewable within the receiving state, but if, at the time the sending
 240 state seeks to retake a delinquent juvenile on probation or parole, there is pending
 241 against him within the receiving state any criminal charge or any proceeding to
 242 have him adjudicated a delinquent juvenile for any act committed in such state,
 243 or if he is suspected of having committed within such state a criminal offense or
 244 an act of juvenile delinquency, he shall not be returned without the consent of the
 245 receiving state until discharged from prosecution or other form of proceeding,
 246 imprisonment, detention or supervision for such offense or juvenile delinquency.
 247 The duly accredited officers of the sending state shall be permitted to transport
 248 delinquent juveniles being so returned through any and all states party to this
 249 compact, without interference.

250 (d) That the sending state shall be responsible under this Article for
 251 paying the costs of transporting any delinquent juvenile to the receiving state or
 252 of returning any delinquent juvenile to the sending state.

253 **ARTICLE VIII**

254 (a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact
 255 shall not be construed to alter or affect any internal relationship among the
 256 departments, agencies and officers of and in the government of a party state, or
 257 between a party state and its subdivisions, as to the payment of costs, or
 258 responsibilities therefor.

259 (b) That nothing in this compact shall be construed to prevent any party
 260 state or subdivision thereof from asserting any right against any person, agency
 261 or other entity in regard to costs for which such party state or subdivision thereof
 262 may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

263 **ARTICLE IX**

264 That, to every extent possible, it shall be the policy of states party to this
 265 compact that no juvenile or delinquent juvenile shall be placed or detained in any

266 prison, jail or lockup nor be detained or transported in association with criminal,
267 vicious or dissolute persons.

268 ARTICLE X

269 That the duly constituted administrative authorities of a state party to this
270 compact may enter into supplementary agreements with any other state or states
271 party hereto for the cooperative care, treatment and rehabilitation of delinquent
272 juveniles whenever they shall find that such agreements will improve the
273 facilities or programs available for such care, treatment and rehabilitation. Such
274 care, treatment and rehabilitation may be provided in an institution located within
275 any state entering into such supplementary agreement. Such supplementary
276 agreements shall (1) provide the rates to be paid for the care, treatment and
277 custody of such delinquent juveniles, taking into consideration the character of
278 facilities, services and subsistence furnished; (2) provide that the delinquent
279 juvenile shall be given a court hearing prior to his being sent to another state for
280 care, treatment and custody; (3) provide that the state receiving such a delinquent
281 juvenile in one of its institutions shall act solely as agent for the state sending
282 such delinquent juvenile; (4) provide that the sending state shall at all times retain
283 jurisdiction over delinquent juveniles sent to an institution in another state; (5)
284 provide for reasonable inspection of such institutions by the sending state; (6)
285 provide that the consent of the parent, guardian, person or agency entitled to the
286 legal custody of said delinquent juvenile shall be secured prior to his being sent
287 to another state; and (7) make provision for such other matters and details as shall
288 be necessary to protect the rights and equities of such delinquent juveniles and
289 of the cooperating states.

290 ARTICLE XI

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

297 ARTICLE XII

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

302 ARTICLE XIII

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

307 ARTICLE XIV

10 shall be filed in a court of competent jurisdiction in the requesting state where the
11 violation of criminal law is alleged to have been committed. The petition may
12 be filed regardless of whether the juvenile has left the requesting state before or
13 after the filing of the petition. The requisition described in article V of section
14 210.570 shall be forwarded by the judge of the court in which the petition has
15 been filed.]
16

Section B. The enactment of section 210.570 of Section A of this act, the repeal and
2 reenactment of section 210.580 of Section A of this act, and the repeal of sections 210.570,
3 210.595, 210.600, and 210.610 of Section A of this act shall become effective July 1, 2005, or
4 upon legislative enactment of the compact into law by no less than thirty-five of the states,
5 whichever later occurs.