

**INTERSTATE COMPACT FOR JUVENILES  
(OUT-OF-STATE COURTESY SUPERVISION)  
RULES OF INTERSTATE COMPACT FOR JUVENILES**

**AUTHORITY:** Welfare and Institutions Code (WIC) Sections 738 and 1400-1403  
California Rules of Court Rule 5.616 (Interstate Compact on the Placement of Children)  
Interstate Compact on the Placement of Children (ICPC) Regulation Number 1  
Association of Juvenile Compact Administrators: Interstate Compact for Juveniles

**RESCINDS:** Procedure Manual Item 2-6-005, dated 01/15/20

**FORMS:** State Mandated Forms - Current Forms may be obtained on Prob-Net under Forms, Interstate Compact for Juveniles (ICJ) or online at [www.juvenilecompact.org](http://www.juvenilecompact.org).

Form I - Requisition for Runaway Juvenile  
Form II - Requisition for Escapee, Absconder, or Accused Delinquent  
Form III - Consent for Voluntary Return of Out-of-State Juvenile  
Form IV - Parole or Probation Investigation Request  
Form V - Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State  
Form IA/VI - Application for Services and Waiver  
Form VII - Out of State Travel Permit and Agreement to Return  
Form VIII - Home Evaluation  
Form IX - Quarterly Progress, Violation or Absconder Report  
Form X - Case Closure Notification Form

Orange County Probation Department Documents and Forms

Rules of Probation/Parole	(F057-1056)
Record Check	(F057-1064)
Petition for Modification	(F057-5120.1)
ICPC Request	100A
Stipulation and Waiver	(F057-92921AF)
Juvenile Account Set-Up/Modification Request	(F057-9207)

**PURPOSE:** To establish a uniform method of processing out-of-state courtesy supervision through the Interstate Compact and provide for return of runaways, escapees or absconders.

**I. SPECIFIC PURPOSES OF THE INTERSTATE COMPACT**

- A. To arrange out-of-state investigation and supervision for a delinquent juvenile who is to be sent to a state other than the one in which **they** committed an offense or was adjudged delinquent.
- B. To notify receiving state when permission is granted to a juvenile authorized to temporarily travel from one state to another.

- C. To provide for legal return of runaways who have not been previously adjudged delinquent.
- D. To provide for the return of absconders and escapees to the state from which they absconded or escaped.
- E. To authorize agreements for the cooperative placements of special types of juveniles, such as mentally ill delinquents.

**ALL ORANGE COUNTY WIC 602 WARDS AND WIC 790 DEFFERED ENTRY OF JUDGMENT (DEJ) NON-WARDS WHO RESIDE OUTSIDE THE STATE OF CALIFORNIA MUST GO THROUGH INTERSTATE COMPACT**

## II. GENERAL INFORMATION

- A. All 50 states are signatories to the current Interstate Compact for Juveniles (ICJ). The Compact permits supervision of wards in states other than the state finding jurisdiction, but does not transfer jurisdiction. Jurisdiction is retained and cannot be transferred between states under the provisions of the Compact or any other laws.
- B. In California, the Compact is administered by the Department of Corrections and Rehabilitation (CDCR).
- C. In providing out-of-state courtesy supervision, the receiving agency will adhere to the same standards of supervision that it provides for its own wards that are on probation. Any law violation will be reviewed as a new case for possible local court action and the sending agency will be advised of the disposition.
- D. The sending county retains financial responsibility for return of the ward if supervision in the receiving state fails, and for Court-ordered treatment services, if there is no other funding source. Authorization to draw, bill and accept funds for the youth's transportation must be authorized by the Court.
- E. The Compact sets forth the legal and administrative responsibilities of the states participating in the Compact. Interstate Compact has the statutory authority over the regulations governing the transfer of adjudged delinquents and sets forth the legal and administrative responsibilities of the states participating in the Compact.
- F. Cases having an outstanding probation violation or warrants are not to be referred to ICJ.
- G. Cases requesting transfer of supervision for the sole purpose of collecting restitution and/or court fines are not to be referred to ICJ.
- H. In no instance should Courtesy Supervision be accepted from out of state unless it has been referred through ICJ.

## III. PROCEDURE (Custody Intake)

When a youth is arrested and booked into Juvenile Hall, Custody Intake staff should determine if the youth is a runaway, absconder, or escapee from another state.

A. VOLUNTARY RETURN

If the youth is a runaway from another state and is not going to contest extradition back to **their** home state, Interstate Compact for Juveniles Form III (Consent for Voluntary return of Out of State Juvenile) and Form VII (Out of State Travel Permit and Agreement to Return) should be completed as much as possible by the **Custody Intake deputy probation officer (DPO)** and included in the detention packet. **Specifically, the Custody Intake DPO should include the youth's name, sending and receiving state (if available), physical description, and as much information as possible based upon case dynamics.** The forms require the signature of the youth, youth's parent(s) if/when available, counsel, and the bench officer.

B. NON-VOLUNTARY RETURN

Interstate Compact for Juveniles Form I (**Requisition for Runaway Juvenile**), and Form II (**Requisition for Escapee or Absconder/Requisition for Accused Delinquent**) are also used if the youth is a runaway, escapee, or absconder, but only if **they are** contesting extradition back to the home state or have absconded from parole or probation supervision. Call ICJ at [REDACTED] to be walked through this procedure, which occurs infrequently.

Out-of-state residents who are declared wards of Orange County will be returned to their home state and Courtesy Supervision will be requested via Interstate Compact at Orange County's expense. The Court must order Interstate Compact and all forms must be signed. Arrangements are made by assigned DPO or Contested **court officer**.

IV. PROCEDURE: ORANGE COUNTY WARDS and DEJs REQUESTING TO MOVE OUT OF STATE

A. The assigned **DPO** petitions the Court for authorization to allow the youth to reside out of state under ICJ courtesy supervision.

B. All forms are available on [REDACTED] under Forms, Juvenile Interstate Compact Forms or at [www.juvenilecompact.org](http://www.juvenilecompact.org).

1. The **DPO** witnesses the **youth's** signature on the forms. Two original copies of Interstate Compact for Juveniles Form IA/VI (Application for Services and Waiver) must be completed and signed by the youth.

2. In addition, Form VII (Out of State Travel Permit and Agreement to Return) and Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State) must be completed.

a. Only an ICJ Travel Permit, not an ICJ courtesy supervision request is completed for Interstate Compact Placement of Children (ICPC) and/or educational placement cases.

b. The assigned **DPO (Custody Intake, field, or Investigations Unit)** is responsible for completion of the forms and the travel permit, as fully as possible, prior to the case going to court.

3. A Petition **for** Modification (**F057-5120.1**) is required to take the matter before the Court if no hearing is calendared.
  4. If a hearing is pending and a report is not already ordered, an Information to Court Officer is required to request authorization. Relief of supervision (ROS) shall not be recommended unless the youth is an ICPC/educational placement case, in which case ROS will be recommended in lieu of Interstate Compact supervision.
- C. When the youth is a new ward of the Court, the court officer shall fax Form IA/VI, Form VII, Form V, and the Disposition **Sheet** to the Interstate Compact DPO. The case will be transferred to the Juvenile Administrative Unit, where the Interstate Compact DPO will assemble an ICJ supervision request packet, (Refer to Section F.3 below) which will be transmitted electronically.
- D. If the youth is already a ward of the Court and supervised by a field **DPO**, following court, the case file will be returned to the assigned **DPO**.

Upon receipt of the file, the **DPO** will expeditiously complete a packet (See F.3 below) and submit it to the Interstate Compact DPO. The Court retains only a copy of the ICJ Form IA/VI **signed by the judge**.

1. Parents are to be advised that it will take an indefinite period of time to process the ICJ paperwork and to be assigned a new supervising official (DPO) in the receiving state.
  2. Telephone contact should be maintained with the youth until supervision is accepted in the receiving state.
- E. The only exception to requesting Interstate Compact supervision would occur, if an active ward's case will terminate within ninety (90) days of the move from Orange County.

A travel permit shall be issued to the probationer and forwarded to the Interstate Compact DPO prior to the youth leaving California. Nevertheless, if there is any possibility the case would not terminate within **ninety (90)** days, the Interstate Compact paperwork shall be submitted and completed before court.

- F. After Court approval/signatures
1. Whether the use of Interstate Compact is initiated by the Court or the assigned **DPO**, the procedure is the same after Court approval.
  2. If the court denies Interstate Compact Supervision but allows the youth to leave the state, we still must forward a travel permit to ICJ.
  3. The **assigned DPO** shall pony the packet to the Interstate Compact DPO, consisting of the following:
    - a. Cover letter
    - b. Parole or Probation Investigation Request (Form IV).

- c. The Application for Services and Waiver (Form IA/VI).
- d. Copy of Probation Officer's Report to the Court and/or Social History, **Juvenile Intake Assessment System (JIAS) Report**, or Pretrial Report if available.
- e. **Minute** Order placing the youth on probation/DEJ and ordering Interstate Compact. Court Order(s) for all subsequent wardships. (If probation reports do not address an arrest that resulted in a sustained count, include the arresting agency reports.)
- f. Police Reports
- g. Psychological Reports (if not available, indicate on check-off list)
- h. School and Medical Information
- i. Copy of the signed terms and conditions of probation, restraining orders, etc.
- j. All case information that may be helpful to the other state (e.g. medical information, probation/parole/**facility** reports).
- k. Information regarding restitution, if any, **as well as** instructions for payment.
  - (1) Youth's parents shall be strongly encouraged to pay all of the court ordered obligations, see the financial officer, sign a **Stipulation Waiver**, and update pay agreement prior to leaving the state.
  - (2) **DPO** shall have the youth sign a separate pay agreement.
  - (3) Direct youth to continue restitution payments, fines, and fee payments to Orange County Probation Department.
- l. Be sure address is updated in the Integrated Case Management System (ICMS).
- m. A DNA sample, and/or an AIDS test, if ordered, must be obtained prior to leaving the state.

G. Sex Offenders

- 1. When a **youth** is under the jurisdiction of a court for a sex-related offense and an ICJ referral is made, the **DPO** shall include a copy of the **youth's** current risk assessment and other pertinent information, if available. (Rule 4-103.2 [**Transfer of Supervision and Procedures for Juvenile Sex Offenders**])
  - a. When transferring a juvenile sex offender, the sending state shall not allow the **youth** to transfer to the receiving state until the sending state's request for transfer of supervision has been

approved, or reporting instructions have been issued by the receiving state. For exceptions to this rule contact the Interstate Compact DPO.

- b. The sending state **DPO** forwards a travel permit to ICJ with instructions for the youth to report within 24/48 hours of specific date of arrival in the receiving state. Thus, the receiving state knows when the youth should arrive, and can notify the sending state via ICJ if the youth does not report.
  - c. Juvenile sex offenders shall abide by the registration laws in the receiving state (**e.g.** felony or sex offender registration, notification or DNA testing).
2. The sending state is financially responsible for the treatment services required by the sending state (Rule 5-101.5 [**Supervision/Services Requirements**]). The initial referral must clearly state that the parents/guardian are responsible for purchasing treatment services for the juvenile sex offender.

#### H. CDCR Follow-up

1. The California Compact Administrator will:
  - a. Verify that all information is included and that all forms are completed prior to forwarding the case to the receiving state.
  - b. Forward the materials received from the sending state to the Compact Administrator of the receiving state.
  - c. Provide the material to the appropriate agency, requesting a recommendation within **thirty (30)** days as to acceptance of courtesy supervision.
  - d. The receiving state must accept a delinquent juvenile for supervision if the custodial parent or legal guardian resides in that state. (Rule 4-104.4 [**Authority to Deny/Accept Supervision**])
  - e. The sending state shall allow the receiving state the opportunity to make a home investigation prior to placement of the **youth**.
  - f. In probation cases, it is recognized that frequently there is not sufficient time for the receiving state to conduct a home investigation prior to sending the youth; therefore, the referral shall be submitted as quickly as possible.

#### I. Local Agency Follow-up

1. All communication between states may only occur with prior approval of the ICJ offices in both states.
2. Once approval for courtesy supervision has been accepted by another state, the receiving jurisdiction is responsible:

- a. For the ongoing supervision;
- b. For case planning for the youth;
- c. For quarterly reports as scheduled between the sending and receiving states. (Rule 5-101.4 **[Supervision/Services Requirements]**)
- d. When the Orange County Juvenile Court terminates proceedings/wardship, the **DPO** will notify the Interstate Compact DPO who will complete Form X (Case Closure) to ICJ.

V. PROCEDURE FOR TEMPORARY (VACATION) OUT-OF-STATE TRAVEL

- A. Form VII (Out-of-State Travel Permit and Agreement to Return) is written permission granting a juvenile authorization to temporarily travel from one state to another.
- B. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
  1. Sex-related offenses;
  2. Violent offenses that have resulted in personal injury or death;
  3. Offenses committed with a weapon;
  4. Juveniles who are state committed;
  5. Juveniles testing residency and who are subject to the terms of the Compact;
  6. Juveniles returning to the state from which they were transferred for the purposes of visitation;
  7. Juveniles transferring to a subsequent state(s) with the approval of the original sending state;
  8. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification.
- C. The assigned DPO will:
  1. Staff the case with the immediate supervisor.
  2. If approved, complete a Travel Permit and submit to the supervisor for signature.
  3. Provide copy of the Travel Permit to the **youth** and keep copy in file.
  4. Send a copy of the completed Travel Permit to the Interstate Compact DPO who will notify the receiving state.

5. Probationer will return Travel Permit to assigned DPO upon completion of trip.
6. For additional Interstate Compact Travel procedure assistance, refer to [www.juvenilecompact.org](http://www.juvenilecompact.org) and/or contact the Interstate Compact DPO.

VI. ACCEPTANCE AND SUPERVISION OF OUT-OF-STATE CASES COMING INTO CALIFORNIA

Provide supervision under the same standards established for Orange County cases, which are based on assessment of risks and needs. Be sure **the youth** is complying with court orders and registration requirements.

- If **youth** is convicted of a **registerable** offense, the **youth** must register per California law, whether or not it is required in the sending state.
- If **the youth** is ordered into a drug or alcohol treatment program, ensure that the **youth** complies as directed. The sending state or family is responsible for costs of treatment. If you have questions or concerns regarding the parameters of a court order, contact the Interstate Compact DPO to request clarification from the sending state. When completed, send proof of completion to the sending state via the Interstate Compact DPO.

A. Probation **Violation/New Law Violations**

1. All communication between states is to be done through the Interstate Compact DPO.
2. Probation Violations – Notify the sending state by completing ICJ Form IX (Quarterly Progress, Violation, or Absconder Report). If the sending state is not prepared to violate, the case cannot be closed, and we will continue to provide supervision.
  - A supervising state is permitted to impose graduated sanctions upon any juvenile transferred under the compact if such standards are also applied to its own juveniles.
3. New Law Violations – Notify the sending state by completing ICJ Form IX (Quarterly Progress, Violation, or Absconder Report). Provide booking information, crime report, court case numbers, and any documents. Any new law violation will be reviewed as a new case for possible court action. Continue to supervise until disposition or re-taking by sending state. Due process requirements, such as the requirement for a probable cause hearing, must be observed by both the sending and receiving states.
4. Send Form IX (**Quarterly Progress, Violation, or Absconder Report**) and the appropriate documentation to the Interstate Compact DPO.

B. Progress **Reports**

Complete quarterly ICJ Form IX (Quarterly Progress, Violation or Absconder Report) and send to the Interstate Compact DPO.



C. Financial payments

Parents/youth are to pay restitution, fines, and fees directly to sending state, as specified by court order.

D. Extradition

When a youth is permitted to move to another state different than the state of jurisdiction, **they** sign a waiver of extradition. This allows the sending jurisdiction the ability to extradite if it chooses. Although extradition is increasingly rare in California and most other states, there are several states, such as Texas, that will extradite if the youth is in violation.

1. Often, extradition is costly and not necessary. The DPO shall direct the youth to return to the sending state, or state which has jurisdiction.
2. Receiving state is to issue the youth a travel permit with reporting instructions.

E. Youth no longer requires supervision

1. Via Form IX (Quarterly Progress, Violation or Absconder Report), report progress to the sending state. Check the "Request Discharge" box, if appropriate, given the status of court orders. The sending DPO may be willing to request termination of probation.
2. If sending state is unwilling to terminate the case and requests continued supervision, the DPO will continue to supervise the youth.

F. Parent and youth want to move to another state after moving to the receiving state.

1. If sending state DPO authorizes the move to another state, it is the sending state's responsibility to initiate the paperwork.
2. Once sending state completes paperwork, DPO shall issue a Travel Permit. Then close our interest in the case by sending Form X (Case Closure) and a copy of the travel permit to the Interstate Compact DPO who will forward to sending state.

G. Parent and youth (a case for which we are providing Interstate Compact supervision) want to move to another county within the State of California

1. Complete Form IX (Quarterly Progress, Violation or Absconder Report). Include the new address, phone number, and the date the family plans on moving.
2. It is the responsibility of the sending states DPO to work with California ICJ to initiate paperwork and contact the receiving jurisdiction to determine if they wish to provide reporting instructions.
3. The DPO shall continue to supervise until the probationer is given permission to travel to the new county and the sending state submits Form X (Case Closure), closing **the department's** interest in the case.

H. Parents/youth want to return to sending state

1. Complete Form IX (Quarterly Progress, Violation or Absconder Report). Include the new address, phone number and the date the family plans on moving. Send to the Interstate Contact DPO.
2. The sending state may provide reporting instruction.
3. Provide ICJ travel permit, including reporting instructions.
4. Close out case by sending Form X (Case Closure) to the Interstate Compact DPO.

I. Closing records-termination

1. Case can be closed if receipt of discharge is received from the sending state.
2. Notification of death (provide death certificate to sending state).
3. Return of probationer to sending state (see above for procedure).

VII. WARRANTS – RETURN OF ORANGE COUNTY WARDS TO CALIFORNIA/ORANGE COUNTY

A. Extradition/Rendition

1. If you are notified that an Orange County youth is being held out-of-state, do not fax the warrant to the jurisdiction or commit **the** department to bringing the youth here.
2. **The Orange County** District Attorney will not extradite the youth's return to Orange County for probation or minor law violations.
3. Discuss the case with the supervisor, reviewing the following considerations:
  - a. Youth's age
  - b. Nature of the pending charges
  - c. Prior record information
  - d. Circumstances of the out-of-state detention (our warrant only or new charges)
  - e. Where does the youth's family reside
  - f. **WIC** 602 ward/placement case
4. If the decision is to not bring the youth back, a court date will be scheduled, and a certified letter will be sent to the youth/parent directing them to report to Orange County Juvenile Court on a specific date and time.

- a. The youth and **their** parents should be reminded of the “Consent for Voluntary Return” they signed prior to leaving the State of California. The youth’s parents should be responsible for the cost of return.
  - b. If the youth fails to report on the scheduled court date, recommendation that the warrant be upheld should be made to the Court.
5. If the decision is to bring the youth back, have the holding agency fax a copy of the signed waiver Form III (Consent for Voluntary Return of Out-of-State Juvenile).

(Note: Some rural jurisdictions do not know the youth has to sign a waiver before **they** can be transported home or **before** formal extradition proceedings will have to be initiated. **ICPC Regulation Number 1 and California Rules of Court Rule 5.616 (Interstate Compact on the Placement of Children), section f) (Relocation of Family Units)** allows **ninety (90)** days to complete the proceedings.)

- Once the youth signs Form III, **the department has five (5)** business days to return the youth. The DPO shall “walk” a Petition **for** Modification to the Court requesting the authorization for transportation of a youth in custody and to authorize **DPO** to draw, bill, and accept funds.
6. Call Interstate Compact to verify the pickup deadline and make the necessary arrangements. Prepare an Application for Petition indicating where the youth is being detained, the pickup deadline and a contact name and phone number. Make copies of the signed Petition **for** Modification, signed Form III and the warrant. Attach the documents to the Application for Petition and route the J/DL file in ICMS to JTRANS. Transportation will take care of the following:
- a. Coordinate traveling Arrangements with ICJ.
  - b. Travel arrangements are generally made for between the hours of 8:00 a.m. and 5:00 p.m.
  - c. Give ICJ **twenty-four (24) to forty-eight (48)** hours **prior** notice of flight information.
7. If the youth refuses to sign Form III (Consent for Voluntary Return of Out-of-State Juvenile), or if you have questions related to extradition, contact the ICJ office at [REDACTED]. They are very helpful in dealing with out-of-state agencies and should be able to resolve any problems or questions that you may have about how to proceed.
- a. Prepare ICJ Form II (Requisition for Escapee, Absconder, or Accused Delinquent) which must be notarized. Further, you will need to obtain a certified copy of the warrant and the court order indicating the warrant was issued.

- b. Fax Form II and the certified documents to the ICJ Deputy Compact Administrator at [REDACTED].
8. The County where the youth is being held will contact you when the youth is available for pickup. At **that** time, call **the** Transportation **Unit** to make the necessary arrangements.
9. Route the J/DL file in ICMS to JTRANS; prepare an Application for Petition and hand-carry both to the Transportation Unit on the second floor, Juvenile Hall.

VIII. PROCEDURE FOR THE EDUCATIONAL PLACEMENT OF YOUTHS IN OUT-OF-STATE FACILITIES

- A. Once residential placement has been recommended and identified by Orange County Mental Health (OCMH) through the Individualized Education Program (IEP) process, OCMH will initiate Interstate Compact for the Placement of Children Request (ICPC).
- B. The **DPO** will prepare a Petition **for** Modification, requesting the following:
  1. Authorization from the Court for the youth to reside out of state at a facility as deemed appropriate by the IEP team.
  2. "Care, custody, and control remain vested with the parents." This order must be made in order for ICPC to approve the case.  
  
(Note: For youth who do not have a responsible adult and have a placement order, the order should be "Care, custody, and control remain vested with the Probation Officer for suitable placement.")
  3. Authorization for release of the youth to the facility's staff or a designated escort service.
  4. The youth report to Probation within **seventy-two (72)** hours of **their** return to California. Once the **Minute Order** is received, it should be forwarded to OCMH, which will forward to Interstate Compact on the Placement of Children (ICPC).
  5. Relief of supervision (ROS) shall be recommended in lieu of Interstate Compact supervision.
- C. An Interstate Compact Travel Permit noting the youth is an Interstate Compact on the Placement of Children (ICPC) case must be sent to Interstate Compact for Juveniles via the Interstate Compact DPO, informing them that the youth will be in transit to and is approved for placement by ICPC and indicating where the youth was placed. A copy of the travel permit should be placed in the youth's file.

**REFERENCES:**

Procedures:	2-4-104	Interstate Requisition and Voluntary Return of Runaways, Escapees, or Absconders to Another Jurisdiction
	2-5-005	InterCounty Transfers of Wardship Jurisdiction
	2-5-008	Local and Out-of-Town Inquiries (OTI) Juvenile
Policies:	B-2	Inter-and-Intra Agency Confidentiality
	E-4	Clients with Legal Residence Outside of Orange County
	E-6	Extradition
	E-7	Restitution

R. Eitner/C. Ronald

**APPROVED BY:**