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The Interstate Compact for Juveniles

Backgrounder

Summary

The Interstate Compact on Juveniles was established in 1955 to manage the interstate movement of adjudicated youth, the return of non-adjudicated runaway youth, and the return of youth to states where they were charged with delinquent acts. The Compact was written before the interstate highway system, readily accessible air transportation and computer technology totally revolutionized the country. Likewise, the population managed by the Compact has dramatically grown over the past four decades, more than was anticipated in the original language. This growing juvenile population, combined with an outdated and antiquated compact structure, has given root to growing public safety and juvenile welfare concerns in the states.

In 1999, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted a detailed survey of the states uncovering many contentious issues within the current Compact, and asked for recommendations to address these growing concerns. Since that time, The Council of State Governments (CSG) and OJJDP have developed advisory and drafting groups that created the new *Interstate Compact for Juveniles*.

The *Interstate Compact for Juveniles* addresses many deficiencies and inconsistencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. The new Compact also establishes an independent compact operating authority, the Interstate Commission, which will be positioned to address future interstate problems and issues as they arise. For reasons of public safety, the welfare of juveniles, and the protection of victims, it is in the best interest of all states and territories to consider this Compact.

What is a compact?

Simply stated, a compact is an agreement between two or more states for cooperative effort, mutual assistance, management, and regulation of public policy matters by the states, which transcend the boundaries of one state. Authorized under Article I of the U.S. Constitution and dating as far back as the 1780s, compacts have been created to address a wide variety of issues that arise among the states. Many of the earliest compacts were designed to settle boundary disputes. Throughout the 20th century, compacts became increasingly relied upon to manage and regulate state concerns in diverse areas such as environmental resource management, multi-state taxation, transportation, corrections, crime control and juvenile justice. States ratifying compacts are bound to observe the terms of the agreement until the compact is formally renounced by the state. Compact provisions take precedence over conflicting state laws and inconsistent provisions of existing laws of a compact state.

The Current Compact: History and Shortcomings

Established in 1955, the Interstate Compact on Juveniles provides the procedural means to regulate the movement across state lines of juveniles who are under court supervision. Specifically, the Compact provides for the monitoring and/or return of any juvenile who:

- Has run away from home without the consent of a parent or legal guardian;
- Is placed on probation or parole and wants to reside in another state;
- Has absconded from probation or parole or escaped from an institution and is located in another state;

- Requires institutional care and specialized services in another state; and/or
- Has a pending delinquency, neglect, or dependency hearing and runs away to another state.

As currently written and/or utilized, the Interstate Compact on Juveniles is not an effective instrument for use by the juvenile justice system of today. Some of its language and methods are antiquated, its rules and procedures are not widely agreed to, followed, or understood and its structure and overall management is powerless to meet the real needs of juveniles within the modern justice system.

Specifically, not all states maintain identical contextual language, an obvious prerequisite for effective and binding interstate agreements. Since the adoption of the original Compact, three different amendments have been proposed by the Compact administrators, which have not been adopted by all of the states, creating even more inconsistency. Rules of the current Interstate Compact on Juveniles are problematic for juvenile justice practitioners and the judicial system, and are also potentially detrimental to juveniles themselves. In addition, the current Compact contains no enforcement mechanism for the Compact rules; nor is there a method for guaranteeing compliance among the compacting states. Lastly, the current Compact encounters serious problems within the juvenile justice system such as processing time, lack of official universal rules and a lack of information exchange.

To further complicate the existing system, rules and procedures are promulgated and maintained without vested authority by the Association of Juvenile Compact Administrators (AJCA), a voluntary membership organization composed of the appointed compact administrators or their designee. Although AJCA operates under language contained in the Compact, no provisions are given for staffing, national coordination and compliance or funding. Compact administrators are to be commended for their effort in managing a process that is overworked, underfunded, and understaffed; however, the system is badly in need of empowerment through clear authority, increased resources, and a workable management structure.

Road to Change

In 1999, the National Institute of Corrections (NIC) and OJJDP conducted a national survey to collect statistics on interstate activity and to solicit opinions from officials at various organizational levels. The survey targeted three specific audiences: Compact administrators, juvenile justice agency administrators, and field staff of juvenile justice agencies. The three most common recommendations to improve the Compact were:

- Develop better enforcement and accountability measures;
- Provide more training to local and state juvenile justice officials; and
- Improve the speed and quality of communication through the use of technology.

Starting in June 2000, CSG and OJJDP began the development and facilitation of an Advisory Group to examine and determine a future course of action regarding the Interstate Compact on Juveniles. Composed of twenty-four policy experts representing a broad and diverse group of institutions and organizations, the Advisory Group met twice in 2000-2001 with the purposes of: reviewing and analyzing information from the OJJDP survey and developing strategies and recommendations for a future course of action leading to an improved compact. (see attached roster)

The second phase in the compact revision process involved the development and facilitation of a Drafting Team during the fall of 2001. Like the Advisory Group, the Drafting Team consisted of fifteen policy experts from across the states. The purpose of these meetings were to review the recommendations made by the Advisory Group and translate those recommendations into specific compact language. (see attached roster)

The final stage in the language development phase was the dissemination of the draft *Interstate Compact for Juveniles* to state officials and other interested stakeholder groups for review and comment. This circulation occurred in April and May of 2002, and final review was completed in June 2002.

The *Interstate Compact for Juveniles*: Solutions for the Future

The new Compact addresses many deficiencies within the current juvenile compact system, including enforcement, administration, finances, communications, data sharing and training. The *Interstate Compact for Juveniles* provides for:

- The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support;
- Gubernatorial appointment representations of all member states on a national governing commission, which meets annually to elect the compact operating authority members, and to attend to general business and rule-making procedures;
- A rule-making authority and a provision for significant sanctions to support essential compact operations;
- A mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.);
- The collection of standardized information and information sharing systems; and
- The coordination and cooperation with other interstate compacts including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children.

In summary, the purpose of the *Interstate Compact for Juveniles* is to provide the framework for promoting public safety, ensuring the welfare of juveniles, and protecting victims within the states through control and regulation of the interstate movement of juveniles.

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THE INTERSTATE COMPACT FOR JUVENILES

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THE INTERSTATE COMPACT FOR JUVENILES

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