

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Youth Services  
Rule No. 950-1-2  
Rule Title: Interstate Compact for Juveniles  
       New X        Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer   
Date ~~APR~~ 6-19-18

(DATE FILED)  
(STAMP)

APA-2

**Alabama Department of Youth Services**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-2 Interstate Compact for Juveniles

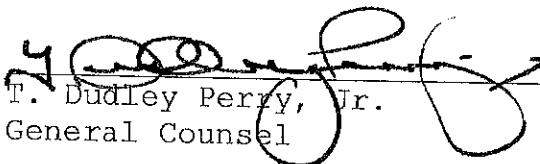
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-2, of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-2 to correct typographical errors, and reflect current statutory provisions.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing to ADYS Legal Division, P.O. Box 66, Mt. Meigs, AL 36057 or orally at the ADYS Board Room on August 8, 2018 at 10:00 am at 1000 Industrial School Rd., Mt. Meigs, AL 36057.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 8, 2018

CONTACT PERSON AT AGENCY: T. Dudley Perry, Jr. (334) 215-3803

  
\_\_\_\_\_  
T. Dudley Perry, Jr.  
General Counsel

# CHAPTER 950-1-2 INTERSTATE COMPACT ON FOR JUVENILES

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### **950-1-2-.01 Legislative Findings And Declaration Of Policy.**

(1) It is hereby found and declared:

(a) That juveniles who are not under proper supervision and control or who have absconded, escaped or run away are likely to endanger their own health, morals and welfare and the health, morals and welfare of others;

(b) That the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

(2) It shall therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states:

(a) In returning juveniles to such other states whenever their return is sought; and

(b) In accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles. (Acts 1965, No. 675, p. 1214, § 1.)

**Author:** Department of Youth Services

**Statutory Authority:** Code of Ala. 1975, § 44-2-10.

**History:**

**950-1-2-.02 Purpose.**

Briefly, the major purposes of the Interstate Compact on Juveniles may be stated as follows:

(a) To provide for the return to the home state of runaways who have not as yet been adjudged delinquent;

(b) To provide for the return of absconders and escapees to the state from which they absconded or escaped;

(c) To permit supervision of adjudicated juveniles received from another state and eligible for probation or parole. And to permit out of state supervision of an adjudicated delinquent juveniles who should be sent to some other state and isare eligible for probation or parole.

**Author:** Department of Youth Services

**Statutory Authority:** 44-2-107

**History:** Amendment Filed June 19, 2018 Effective

**950-1-2-.03 Rules and Regulations.**

In accordance with the authority granted by Article ~~XIV~~, Section 44-2-107, Code of Alabama 1975, the Compact Administrator has agreed to abide by the rules promulgated rules and regulations adopted by the Interstate Commission relating to Compact procedures. These rules and regulations have the force of law and include forms which must be used under the appropriate articles of the Compact. T. These forms change from time to time and These areforms arecan be found in current status at <https://www.juvenilecompact.org/forms>

**Author:** Department of Youth Services

**Statutory Authority:** 44-2-107 (2)

**History:** Amendment Filed June 19, 2018 Effective

950-1-2-.04 Glossary.

Terms and their definitions shall be as defined by the Interstate Commission For Juveniles. §See www.juvenilecompact.org/legal/rules .

Adjudged Delinquent — ~~A minor who has been classified as such through court proceedings. (Same as Delinquent Juvenile)~~

Adjudicate — ~~To pronounce, decree, or settle in the exercise of judicial authority in a properly constituted court of law.~~

Affidavit — ~~A written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to authorize such oath.~~

Aftercare — ~~Care and treatment of juveniles who are in a period of readjustment after having been placed either on parole or probation by the courts, or proper agencies or authority.~~

Child/Juvenile — ~~Any minor within the jurisdictional age limit of any court in the home State.~~

Commitment — ~~An order by the court of appropriate jurisdiction ordering the care, custody and treatment of a juvenile to an agency or private or state institution maintained for such purpose.~~

Compact Administrator — ~~A person designated by statute or appointed by the Governor who is responsible for coordinating his State's compact operations.~~

Conditional Release — ~~See Parole.~~

Confidentiality — ~~The acceptance and divulgence of information relating to compact material on a need and right to know basis.~~

Correspondent — ~~A person responsible for handling specific duties relating to the compact and under the supervision of C.A. or D.C.A.~~

Counsel (Legal) — ~~Representation of a juvenile by an attorney, either privately retained or court appointed, or a person who is proper or sufficient to be recognized by the law.~~

Court — (For compact purposes) — Any court having jurisdiction over delinquent, dependent, or neglected children.

Courtesy Supervision — The delivery of services given by a receiving state and in turn reported on periodically or as needed to the sending state.

Court Order — A command or direction authoritatively given by a court of competent jurisdiction.

Delinquent Child — See Delinquent Juvenile.

Delinquent Juvenile — Any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of any agency or institution pursuant to an order of such court.

Detainer — A writ or instrument, issued or made by a competent officer, of the court authorizing the proper agency to keep in his custody a person therein named.

Detention Order — An order written by the court to detain a specified juvenile pending further orders or action by the court.

Due Process — A course of legal proceeding(s) according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private and public rights.

Emancipated Minors — Occurs in various ways, depending on individual state law. Generally speaking, it is a mutual surrender of duties and rights between parents and child.

Escapee — A juvenile who has made an unauthorized flight from a facility to which he has been committed by the court.

Execution — Performance necessary to carry into effect judicial decree or judgement.

Executive Authority — Ordinarily, these words refer to the Governor but some states may have developed a method whereby this term could be the compact administrator or the Juvenile Judge of a particular judicial district within the state where the juvenile is believed to be.

Geographical Jurisdiction (Territorial) - Limited to cases arising or persons residing within a defined territory, as a county, judicial district, etc.

Guardian - One who legally has the care and management of the person, or the estate, or both, of a child during its minority or for the purpose and duration expressed in the order of guardianship.

Guardian ad Litem - An attorney appointed to prosecute or defend a suit on behalf of a party incapacitated by infancy or otherwise.

Hearing - Proceeding of a relative formality with definite issues of fact or of law to be tried, in which parties proceeded against have the right to be heard, and is much the same as a trial and may terminate in final order.

Interstate Compact - The enactment of legislation by all member states in substantially the same language on legal due processes pertaining to a juvenile.

Investigation - A legal social evaluation to determine if placement in a proposed and specified resource home/place is in the best interest of the child/juvenile and the community.

Juvenile Compact Form A - Petition for Requisition to Return a Runaway Juvenile - This form is used when it becomes necessary to petition the court to have a non-delinquent juvenile returned to the home state.

Juvenile Compact Form 1-A - This is an application for Interstate Compact services which is filed by the juvenile who is requesting to be placed on parole or probation under the supervision of another state.

Juvenile Compact Form B, Order of Detention - This form is used by the court when a requisition from another state has been received and honored for the return of a runaway, escapee, or absconder.

Legal Custody - The agency and/or person(s) who has been ordered or given authority by the appropriate court to render care, custody and treatment to a juvenile.

Legal Jurisdiction -- Appropriate court having legal authority or control over the proceeding pertaining to one or more specified offenses in which a juvenile has been charged.

Liability -- The responsibilities of a delegated agency to provide for a delivery of appropriate services on a specific case work situation according to the statutes of all states concerned.

Nondelinquent Juvenile -- See Child/Juvenile.

Non Party State -- This pertains to a State which has not adopted the bylaws relating to the interstate compact on juveniles or one which has withdrawn. (This doesn't apply at this time as all states are members.)

Optional Runaway Article -- This Article makes it mandatory for the home State to authorize the return of a juvenile within five days after being advised that he has been found in another State. It applies to nondelinquents only.

Out of State Confinement Amendment -- Permits states to make agreements for out of state confinement of juveniles who are already out of state, such as parole and probation violators, escapees and absconders.

Out of State Institutionalization -- When a receiving State is the place of a child's legal residence and institutional care and treatment becomes required, consideration may be given to institutionalization in the receiving State rather than return to the sending State to the end that the best interest of the juvenile may be served.

Parole -- Any kind of conditional release of juveniles from an institutional setting, training school, or correctional type facility authorized under the laws of the State party hereto.

Peace Officer -- This term is variously defined by statute in the different states; but generally it includes sheriffs and their deputies, constables, marshalls, members of the police force of cities, and other officers whose duty is to enforce and preserve public peace.

Pending Petition -- Petition to the court whereas no action has been taken.



Petition — An application in writing for an Order of the Court stating the circumstances upon which it is founded.

Physical Custody — The detainment of a juvenile by virtue of lawful process or authority.

Pick Up Order — An order authorizing law officials to apprehend a specified person. (See Detention Order)

Probation — A sentence disposition available to the courts which allows the offender to remain in the community under the supervision of a court directed person or agency. This is an alternative to commitment to a correctional facility.

Receiving State — A State to which a Juvenile is sent for supervision under provision of the Interstate Compact on Juveniles.

Rendition Amendment — This amendment permits a state in which a juvenile is found to return to a state other than his home state in which he is charged with being delinquent for violation of any criminal law (Article XV).

Renunciation — The act by which a state can formally withdraw from the compact by having the same authority which executed the compact, send a six months notice in writing of its intentions to withdraw to the other states party hereto (See Article XIV).

Requisition — A demand in writing, or formal request under Article IV or V sent to the Compact Administrator or Executive Authority for the return of a non-delinquent runaway, probation or parole absconder, or escapee. (See Compact forms 1 and 2.)

Residence — A place at which a home or regular place of abode is maintained. A juvenile's state of residence is that of the parent, guardian, or agency entitled to his legal supervision. The state where the parent, guardian, person or agency having legal custody of the juvenile is residing or undertakes to reside.

Runaway — A child under the juvenile jurisdictional age limit established by the State, who has run away from his home within home State or out of State, without the consent of the parent, guardian, person or agency entitled to his legal custody or supervision. (See Glossary of Age.)

~~Sending State~~ — A State which has sent a juvenile to another State for supervision under provisions of the Interstate Compact on Juveniles.

~~State~~ — Any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

~~Status Offense~~ — Conduct which is illegal for children but not illegal for adults, such as breaking curfew, running away, disobeying parents, truancy, etc.

~~Status Offender~~ — One who has been adjudged guilty of a status offense. A term used to designate a child adjudicated by the juvenile court and placed under court supervision, but legally remaining non-delinquent. (AKA) Child in need of supervision (CINS) (CHINS), person in need of supervision (PINS), deprived child, undisciplined child, etc.

~~Temporary Detention~~ — Detention of a juvenile under order of the court of jurisdiction until adjudication or disposition can be made.

~~Termination~~ — The relinquishment of wardship of a juvenile probationer or parolee by the proper authority in the sending state following receipt of recommendations from the receiving state with proper notice to, or communication with, the receiving state.

~~Voluntary Return~~ — This relates to the return of the juvenile runaway, escapee, or absconder (under Article VI) to his home state and denotes that he consents to return there voluntarily. (See Compact Form III.)

~~Ward of Court~~ — A person placed by authority of law under the care and supervision of the court.

~~Author: Department of Youth Services~~Author: Department of Youth Services

~~Statutory Authority:~~Statutory Authority:

~~History:~~History: Amendment Filed June 19, 2018  
Effective

950-1-2-.05 Forms.

In providing the services as mandated in Section 44-2-10, Code of Alabama 1975, certain forms are required. These forms change from time to time and These are forms are can be found in current status at <https://www.juvenilecompact.org/forms>, <https://www.juvenilecompact.org/forms>, and <https://www.juvenilecompact.org/legal/rules-step-by-step-table-of-contents/rule-1-101-definitions>.

~~(a) Form IA. Application for Compact Services, to be used in making application for supervision as a parolee or probationer in another state. This form should be used in all Compact cases where applicable.~~

~~(b) Form I. Requisition for Runaway Juvenile. This form is used under Article IV when it becomes necessary for the court to take action in having a runaway juvenile returned to home state. This form is to be used only in cases where the youth refuses to return home or where there is some question of legality of the youth's return to his/her home state.~~

~~(c) Form A. Petition for Requisition to Return a Runaway Juvenile. This form is to be used when it becomes necessary to petition the court to have a juvenile returned to this state.~~

~~(d) Form III. Consent for Voluntary Return by Runaway, Escapee or Absconder. This should be used under Article VI in cases in which a state is returning a juvenile to his/her home state. The form shows that the runaway consents for voluntary return home. It must be signed in the presence of a judge or authorized court master.~~

~~(e) Form IV. Parole or Probation Investigation Request. This form is used in all cases in which home state is requesting a home investigation for possible placement of a parolee or probationer in another state.~~

~~(f) Form V. Report of Sending State Upon Parolee or Probationer Being Sent to Another Jurisdiction. This form is used to inform the receiving state (which has previously approved placement) that an Alabama youth is being transferred to their jurisdiction for supervision.~~

~~(g) Form VI. Memorandum of Understanding and Waiver (Parolee or Probationer). This form is signed by the juvenile before he goes into another state for supervision and is to assure that the youth understands the terms of his/her probation or parole~~

~~and is to return to Alabama if for some reason juvenile is recalled or breaks probation of parole.~~

~~(h) Form B. Order of Detention. This form is to be used by the court when a requisition has been issued for the return of a runaway, escapee or absconder.~~

~~Author: Department of Youth Services~~

~~Statutory Authority:~~

~~History: Amendment Filed June 19, 2018 Effective~~

**950-1-2-.06 Statutory Authority.**

Title 44, Code of Alabama 1975, Chapter 2, Sections 44-2-10 through 44-2-117, entitled Interstate Compact on Juveniles.

**Author:** Department of Youth Services

**Statutory Authority:**

**History:** Amendment Filed June 19, 2018 Effective

**950-1-2-.07 Effective Date.**

The original effective date adopting the Interstate Compact on Juveniles was October 1, 1965, through Act 675, 1965 Regular Session of the Alabama Legislature, and designating the Commissioner of the Department of Pensions and Security as Compact Administrator.

(a) Authority for Administration of the Interstate Compact on Juveniles was first given to the Department of Youth Services on September 5, 1973, by Act 816.

(b) Administration of the Interstate Compact on Juveniles was assumed by the Department of Youth Services July 1, 1974.

(c) The legislation repealed the original compact and adopted the new compact by Act 2014 313 effective July 1, 2004 and the department immediately assumed administration.

**Author:** Department of Youth Services

Statutory Authority:

History: Amendment Filed June 19, 2018 Effective