

INTERSTATE COMPACT FOR JUVENILES

TRANSFER GUIDE

Nebraska State Probation



JUVENILE

JUVENILES ARE PERMITTED TO MOVE ACROSS STATE LINES WITH CUSTODIAL PARENTS OR LEGAL GUARDIANS WITH THE COURT OF JURISDICTION'S PERMISSION.

SENDING

- When it becomes apparent that a youth and family will be moving or returning to another state or the youth is moving to live with a non-custodial person you first:
 - Gain signatures from the youth, parent, witness and Judge on the Application for Services and Waiver, **Form IA/VI**
- Also collect proper signatures on the Travel Permit, **Form V**.

All compact forms can be accessed at www.juvenilecompact.org

- **You must register with this site before you can access the New Juvenile Compact Forms!**

To Register click the "register" link.

Use your Email for your User Name.

You will set up your own password.

Juvenile Interstate Compact Information can be mailed in **Triplicate** to:

- ❖ Nebraska Interstate Compact-Probation
PO Box 98910
LINCOLN, NE 68509

Juvenile Interstate Compact Information can also be emailed to the Compact Office:

- Kari.rumbaugh@nebraska.gov or
- Catherine.corbet@nebraska.gov or
- Nsc.interstate@nebraska.gov

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- **TRANSFER PACKET:** ICJ Rule 4-102: Sending and Receiving Referrals
 - Within 10 days of sentencing or information that a juvenile has moved, compile the transfer packet including
 - Cover Letter
 - Form IV (Parole or Probation Investigation Request)
 - Form IA/VI A&B (Application for Compact Services/Memorandum of Understanding and Waiver)
 - Form V (Report of Sending State Upon Parolee or Probationer Being Sent to the Receiving State)
 - ICJ Travel Permit
 - Order of Adjudication and Disposition
 - Conditions of Probation
 - Legal and Social History (if available)
 - Petition and/or Arrest Report
 - PDI (if available)
 - And any other pertinent information such as supervision notes and school information.

The receiving state has 30 days to investigate and respond with an acceptance or denial.

RECEIVING

- You have received a juvenile transfer request packet from your supervisor. It should have come from our office with a flyer attached and due date.
- You have **30 days** to investigate and respond on the Home Evaluation Report form (found on website). Send this form via mail in ***triplicate*** or email to the Nebraska compact office.
- If the youth resides with a custodial parent or guardian, this is a mandatory acceptance unless the placement is unsuitable (this must be explained in detail).
 - If you have concerns related to the youth's safety or the parent's ability to provide care due to drugs, alcohol or criminal activity, document that information on the report and provide same to your local CPS.

There are no supervision fees assessed a juvenile.

SUPERVISION

- Quarterly progress reports should be submitted through the compact office (found on website). *Violations should also be forwarded using this form.*
- There are circumstances with juveniles which sometimes warrant officer-to-officer contact. If you need to discuss matters with a juvenile officer in another state you **MUST** receive prior permission from the Compact Office.

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CLOSURE

- Follow ICJ Rule 4.106

OUT-OF-STATE RUNAWAYS

Nebraska Revised Statute § **43-1011** and **43-1005**-*Expense of returning juvenile to state; how paid*

ICJ Section 600 Return of Juveniles

You have received a call from law enforcement that an **out-of-state** runaway has been picked up in your jurisdiction.

- A **non-delinquent juvenile** (any person who has not been adjudged or adjudicated delinquent) **can be returned within first 24-hours (excluding holidays and weekends) to a parent or guardian.**
 - The compact does not need to be contacted in this event and the youth can be held in a secure, staff secure, or an alternative placement determined by flight risk and safety.
 - If the youth is a non-delinquent juvenile runaway and the parent or legal guardian cannot come pick them up or if the youth is a state ward due to abuse, neglect or status offense, he/she can be detained at a staff secure facility (unless you feel the youth is at risk to harm or risk to run again, then a secure lock-up is wise).
- **DETAINED DELINQUENT RUNAWAY**
 - Use your detention screening instrument when interviewing the youth, gaining as much information as possible (name, DOB, SSN, city and county and state from where he/she ran, parents' names, phone number, address and circumstances of event and whether the youth is on probation, parole or has picked up new charges in Nebraska).
- You score the youth but will more than likely need to use the override section citing both A and B and writing 'Out of State Runaway' as the reason for detention.
- **Staff Secure or Lock-up**
 - If the youth is under another court's jurisdiction or has charges in Nebraska, the youth should be placed in a juvenile secure lock-up facility.
 - If there is no detention facility reasonably available, the juvenile can be held in an adult facility, out of sight and sound, for 6 hours in an urban area and 24 hours in a rural area (per OJJDP).
 - Your county will be responsible for detention costs and any necessary transportation of the runaway to an airport.

CALL YOUR COMPACT OFFICE AFTER DETAINING A YOUTH (402-471-2855 or 402-471-4930). If this is after business hours, leave a message or call the next morning.

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DETENTION HEARING

- When you have detained a youth, there must be a detention hearing within 24 to 48 hours (business hours) before a Judge.
- The youth must be advised of his/her rights (ICJ Juvenile Rights form from website may be used)
- Ask if he/she wishes to voluntarily return to the home state. Should the youth agree, he/she must sign the **FORM III** (website) **in Court** and the Judge and Guardian (if applicable) must sign.
- Complete this form in its entirety including physical description of the clothing the youth will wear upon return home.
- ***Immediately email or fax this form to your compact office 402-471-1853.***

The compact office will coordinate with the home state regarding the youth's return.

- If the youth will be traveling home by air, there are certain regulations which must be followed one being that Law Enforcement, a Transport Service or Detention Staff must take the offender to the airport (***not*** a probation officer).

Should a youth refuse to return home voluntarily

- The home state must conduct a requisition hearing, **FORM II** and provide information to the holding state demanding the youth's return. This process can take up to **90** days and the youth must be detained until the process is complete. If there are allegations of abuse (reason for not wanting to return), the youth must be interviewed by your law enforcement or CPS and a report/complaint submitted through the compact to the home state's CPS unit for further investigation.
- Please coordinate with the compact office in this event.