



DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE  
OPERATIONAL PROCEDURE

Procedure:	<b>PPD 6.1.803 INTERSTATE COMPACT FOR JUVENILES (ICJ)</b>
Effective Date:	08/05/2020 <span style="float: right;">Page 1 of 4</span>
Revision Date(s):	06/19/2023
Reference(s):	41-4-101, MCA; 41-6-101 through 106, MCA; 46-23-504, MCA
Signature / Title:	/s/ Jim Anderson, Public Safety Chief

**I. PURPOSE:**

Federal and state statutes regarding the Interstate Compact for Juveniles (ICJ) govern movements of youth across state lines to include the transfer of supervision of juveniles, temporary travel of defined offenders, and return of juveniles who have absconded, escaped, fled to avoid prosecution, or run away. Youth Court Services staff will follow the rules of ICJ.

**II. DEFINITIONS:**

**Montana ICJ (Interstate Compact for Juveniles) Office** – Consists of the ICJ Commissioner/Compact Administrator, and ICJ staff.

**Probation and Parole** – Oversees the Probation and Parole regional offices and interstate transfers.

**Receiving State** – A state to which a juvenile is sent for supervision under the provisions of the ICJ.

**Sending State** – A state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.

**III. PROCEDURES:**

**A. GENERAL PROVISIONS:**

1. All communication regarding interstate compact juveniles must go through the Montana ICJ office. Youth Court Services staff must not contact local officers in other states directly without prior permission from the Montana ICJ officer and the other state’s ICJ office.
2. ICJ forms are located at <https://www.juvenilecompact.org/forms> and must be submitted in the ICJ’s data system by the Montana ICJ office staff.
3. ICJ information on training, age of majority, sex offenders, and rules are found at the same website.
4. If a proposed placement is with a licensed foster home, group home, child care facility, psychiatric residential treatment facility, or other licensed program out of state, Youth Court Services staff need to follow the Interstate Compact on the Placement of Children (ICPC) procedures found at <https://dphhs.mt.gov/CFSD/icpc>.

**B. REQUESTS FOR TRANSFER OF SUPERVISION OUT OF STATE:**

1. A juvenile on conditional release supervision or who is being placed directly out of a youth correctional facility (YCF) into a placement in another state with a parent or other person must obtain prior approval from the receiving state and the Montana ICJ office.
2. Prior to requesting interstate compact supervision for a Montana juvenile in another state, the juvenile probation officer (JPO) or YCF caseworker/case manager will determine whether a proposed out-of-state placement is a feasible placement option for the juvenile.
3. For sex offenders, the JPO or YCF caseworker/case manager will ensure the juvenile is aware of, and is willing to comply with, the receiving state's registration requirements.
4. ICJ rules do not cover violent offender or arsonist registration. However, because individual states may require registration, contact the Montana ICJ office for clarification.
5. The YCF is responsible for ensuring a DNA sample is obtained prior to a juvenile's placement out of state, if required by the receiving state.
6. When it is determined by a JPO or YCF caseworker/case manager that a juvenile should be placed in another state, an ICJ transfer packet should be completed and sent to the Montana ICJ office 60 days prior to the expected placement.
7. When it is not feasible to wait 60 days for a placement investigation to occur, the JPO or YCF caseworker/case manager will contact the Montana ICJ office for further directions. Written justification will be required.
  - a. In certain circumstances approved only by the Montana ICJ office, a juvenile may be issued an *Out of State Travel Permit and Agreement to Return* for "testing placement."
  - b. Contact the Montana ICJ office first before discussing travel permits with sexual offenders.
  - c. Until an ICJ plan of supervision is approved in writing, the JPO will maintain telephone contact with the juvenile and parent/guardian/custodian/representative according to the supervision standards at the time of the placement.
8. The Montana ICJ office will notify the JPO and YCF caseworker/case manager following approval from the receiving state.
  - a. Upon receiving the approved *Home Evaluation*, the JPO or YCF caseworker/case manager will complete a *Travel Plan* and an *ICJ Travel Permit*.
    - 1) The plan and permit are sent to the Montana ICJ office before the juvenile leaves the state.
9. The receiving state will provide a *Quarterly Progress, Violation, or Absconder Report* and other pertinent information every 90 days and when specifically needed due to violations and when juveniles abscond. Requests for additional information can be made.
10. If a juvenile is unable to make an adequate adjustment in the out-of-state placement, the receiving state should advise the Montana ICJ office. The Montana ICJ office and JPO will make a placement decision regarding the juvenile.
11. If a juvenile violates the conditional release agreement and/or commits a new offense while residing in another state:

## Subject: INTERSTATE COMPACT FOR JUVENILES (ICJ)

- a. the juvenile may be detained in a juvenile detention center pending disposition of charges. The Montana JPO may be required to issue a warrant;
- b. a decision will be made by the Montana JPO after consultation with the supervising state to:
  - 1) retain the juvenile in placement;
  - 2) place the juvenile in an alternate placement; or
  - 3) return the juvenile to Montana; and
- c. pending charges in the receiving state must be resolved by dismissal or disposition before arrangements can be made to return the juvenile to Montana.

12. Any conditional release violation by a Montana juvenile under ICJ supervision in another state is subject to the procedures regarding conditional release revocations in Montana when the juvenile is returned to Montana.

13. Upon successful completion of a juvenile's sentence, the supervising officer in the receiving state may recommend a discharge from Montana supervision by noting this in *the Quarterly Progress Report*.

- a. Probation discharges are approved in accordance with Montana law and procedures and are not effective until a written order of discharge is signed by the Judge of record.
- b. Conditional discharges are completed and signed by Pine Hills Correctional Facility staff when the juvenile discharges from the original court order.

### C. RECEIVING A REQUEST FOR TRANSFER OF SUPERVISION FROM OUT OF STATE:

1. Upon receiving an interstate compact transfer packet from a sending state, the Montana ICJ office will review the packet and forward it to the appropriate JPO.
2. The JPO will conduct a *Home Evaluation Report* and will send this to the Montana ICJ office within 30 days. If the JPO cites enough evidence that the placement is not suitable, the JPO should strongly advise against placement.
3. The Montana ICJ unit can deny a placement; however, placement with a parent or legal guardian cannot be denied if there are no other viable placement options with a parent or guardian.
4. When a juvenile is placed in Montana while "testing placement," the *Home Evaluation Report* will be expedited by the JPO.
  - a. The Montana ICJ office will review the completed *Home Evaluation Report*, approve or deny the placement, and notify the sending state through the ICJ data system.
  - b. If the placement is denied, the Montana ICJ office will notify the sending state that placement is not appropriate and the juvenile needs to be returned.
5. If the juvenile is placed, the Montana JPO will complete the *Quarterly Progress Report* every 3 months and will attach any pertinent information when sending it to the Montana ICJ office.
6. In the event the juvenile is unable to make an adequate adjustment in the Montana placement, the JPO should advise the Montana ICJ office regarding the JPO's recommendation for an alternate placement or return to the sending state.

## Subject: INTERSTATE COMPACT FOR JUVENILES (ICJ)

7. If the juvenile violates conditions that cannot be handled with an intervention:
  - a. the JPO will notify the Montana ICJ office immediately and submit a *Quarterly Progress Report* or *Violation Report* describing the violations; and
  - b. the Montana ICJ office will forward this to the sending state and may request a warrant be issued for the juvenile to be placed in custody.
  
8. Juveniles from a sending state who are on ICJ parole supervision in Montana can be detained.
  - a. The Montana JPO will contact the Montana ICJ office to request the sending state detain the juvenile.
  - b. An accompanying *Violation Report* will be submitted in conjunction with the request to detain the juvenile.
  - c. In rare circumstances, the Montana JPO may need to detain the juvenile; however, this must be done cautiously due to a juvenile's adjudication being in another state.
    - 1) Whenever possible, there should be an identified residence the juvenile could return to following a release from detention.
  - d. A decision is made between the Montana ICJ unit and the sending state's ICJ unit to:
    - 1) retain the juvenile in placement;
    - 2) place the juvenile in an alternate placement; or
    - 3) return the juvenile to the sending state.
  - e. Pending charges in Montana must be resolved by dismissal or disposition before arrangements can be made to return the juvenile to the sending state.
  
9. The JPO may recommend the sending state discharge the juvenile from supervision when the juvenile meets Montana standards for discharge, in conjunction with the sending state's court order.
  - a. The recommendation for discharge is completed in the *Quarterly Progress Report*.
  - b. The Montana JPO will continue to supervise the juvenile until notified of the sending state's decision.
  - c. Only the sending state can close an ICJ case.

**D. JUVENILE CONDITIONAL RELEASE ABSCONDERS:**

1. Whenever a Montana juvenile has absconded, the JPO shall follow Youth Services Bureau procedures for entering a warrant. Entry into the CJIN/NCIC system will usually be entered as a nationwide pick up and hold.

**IV. CLOSING:**

Questions about this procedure should be directed to the Montana Compact Administrator.

**V. FORMS:**

Applicable ICJ forms