


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH SERVICES**

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I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, to complete all required paperwork and monitor youth that are involved with Youth Court through the Interstate Commission for Juveniles, Interstate Compact for Juveniles (ICJ). Each state, to include Mississippi, is a party to the ICJ. Each state shall process all referrals involving youths for which services have been requested, providing the youths are under Youth Court jurisdiction in the sending state, or its equivalent. Receiving states shall adhere to the laws and jurisdictional guidelines of the sending states in providing services for youth, not those of the receiving states.

II. DEFINITIONS

As used in this policy and procedure, the following definition applies:

Interstate Compact for Juveniles (ICJ): The agreement pertaining to the legally authorized transfer of supervision and care, as well as the return of juveniles from one state to another, which has been adopted by all member states that have enacted legislation in substantially the same language. The agreement does not include or provide for the transfer of court jurisdiction from one state to another.

III. PROCEDURE

Supervision may not be considered transferred to another state without receiving verbal or written approval from the Mississippi ICJ office. In order to request a transfer of supervision, there must be more than 90 days of supervision remaining and the youth must plan to reside in the receiving state for more than 90 consecutive days in a twelve (12) month period.

When an ICJ case is initiated, the sending state shall ensure that the following referral documents are completed and are forwarded to the ICJ office within the Mississippi Department of Human Services, Division of Youth Services: Form IA/VI, Form IV, Order of Adjudication and

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Disposition, Conditions of Probation, Legal and Social History (if available), Petition and/or Arrest Report, and any other useful documents deemed to be of benefit to the receiving state.

Note: A referral packet shall be forwarded to the receiving state, via the ICJ office, prior to a youth's parole from a state institution. Supervision must be accepted by the receiving state prior to a prospective parolee's release and placement in that state.

A. Home Evaluations

When visiting a home to conduct a home evaluation, an appointment shall be made in advance and Youth Services Counselors should consider safety when visiting a home. Local law enforcement, or other staff, may be asked to accompany them on a home evaluation. Home evaluations must be completed on each youth that is received through the ICJ. The home evaluation form can be found on the ICJ website at www.juvenilecompact.org, under "Forms." Home evaluations must be completed and submitted within 45 days of receipt of a request for supervision.

B. Supervision Fee

Neither the sending nor receiving states can impose a supervision fee on any youth who is supervised under the provisions of the ICJ.

C. Communication and Confidentiality

All communication between states, whether it be written or verbal, on ICJ matters, shall be transmitted to the Division of Youth Services ICJ office. There should be no direct communication between local offices/staff without prior approval of both ICJ offices in both states. Any communication between offices/staff must be approved first by both ICJ offices. Confidentiality rules shall be respected during communication involving any ICJ case.

D. Release of Supervision

All ICJ cases supervised by the Division of Youth Services must have a written request for release or termination of ICJ supervision, provided all conditions have been completed. The sending state has jurisdiction over closure. If the period of supervision or court order has expired, staff shall forward a summary report to the Division of Youth Services ICJ office, explaining that the time has expired and, unless otherwise notified, the case will be closed.

E. Denying Supervision

No case shall be denied for supervision based solely on the youth's age or type of offense. Supervision may be denied if the home evaluation of a non-custodial person of the proposed placement is unsuitable and it is proposed the youth will reside with the non-custodial person, due to the person entitled to legal custody not residing in that state.

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F. Travel Permits

Travel Permits shall be issued to all youth subjected to such under the terms of the ICJ. Travel Permits shall be issued to all youth subject to the terms of the ICJ for visits, vacations, and other referrals for which youths have been adjudicated for any of the following: sex-related offenses, violent offenses in which there was personal injury or death, or an offense involving weapon.

Travel permits shall also be required for youth who are state committed, relocating pending a request for transfer of supervision and who are subject to the terms of the ICJ, returning to the state from which they were transferred for the purposes of visitation, transferring to a subsequent state(s) with approval of the original sending state, or transferred and victim notification laws, policies and practices of the sending and/or receiving state require notification. Youths traveling to a residential facility shall be excluded from the rule regarding Travel Permits; however, states may elect to submit a Travel Permit to notify the receiving state as a courtesy. It is requested that Youth Services Counselors do so.

Travel Permits shall be issued for visits/vacations if said visit or vacation will exceed 24 consecutive hours. Travel permits may not exceed 90 days.

Out-of-state travel shall be approved by the Youth Services Counselor, or court designee, supervising the youth. The authorization shall be provided to the Division of Youth Services ICJ office, prior to the travel. The Travel Permit can be located on the ICJ website, www.juvenilecompact.org, under "Forms."

G. Notification and Supervision

If a youth has been adjudicated for a sex-related offense and an ICJ referral is made, a copy of the youth's risk assessment tool and any other pertinent information shall be included with the ICJ referral packet.

If there are statutorily-mandated progress report requirements for juvenile sex offenders that exceeds quarterly reports, Youth Services Counselors shall comply with the more stringent rule.

H. Sexual Offenders

Mississippi Code of 1972, Annotated Section 45-33-25 addresses the registration requirements for youths adjudicated for sexual offenses. Any youth fourteen (14) and older who is adjudicated for one of the following offenses must register as a sex offender:

1. Rape and assault with intent to ravish (97-3-71)
2. Sexual battery (97-3-95)
3. Statutory rape (97-3-65)
4. Conspiracy to commit, accessory to the commission of, or attempt to commit any offense listed above.

This applies to any person having permanent or temporary residence, or who is employed or attending school in this state, who has been adjudicated delinquent for a registerable offense listed that involved use of force against the victim. Said person shall register as a

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sex offender with the responsible agency and shall personally appear at a Mississippi Department of Public Safety Driver's License Station within three days of registering with the responsible agency. Responsible agencies are typically local sheriff's departments. If an offense was committed in another state and named something different, but has the same elements of the crime as Mississippi, it is registerable.