

CHAPTER FIFTEEN

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CHAPTER FIFTEEN

INTERSTATE COMPACT

I. HISTORY

The Interstate Compact on Juveniles (“the Compact”) was originally adopted in Indiana in 1957. The latest version adopted by the State of Indiana appears at Ind. Code 31-37-23 in its entirety. There have been no amendments since 1997. What follows in this chapter is a synopsis. The details of administering the compact appear at Ind. Code 11-13-4.5-1.5.

II. PURPOSE

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. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and to the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one (1) state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one (1) state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two (2) or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory, and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes. Ind. Code 31-37-23-1(Article 1).

III. JUVENILE COURT JURISDICTION

Juvenile court has exclusive original jurisdiction in proceedings under the Compact. Ind. Code 31-30-1-1(4).

A. JURISDICTION NOT AFFECTED BY VIOLATION OF COMPACT

Massey v. State, 371 N.E.2d 703, 705 (Ind. 1978) (Violation of Compact does not affect juvenile court’s jurisdiction.).

Graham v. State, 464 N.E.2d 1, 7 (Ind. 1984) (Court’s jurisdiction not affected by manner of child’s return to Indiana from another state, even if method was improper).

B. THE COMPACT IS BETWEEN INDIANA AND OTHER MEMBER STATES

The Compact is between the State of Indiana and any other state which has ratified or legally joined in the Compact. Ind. Code 31-37-23-1.

IV. RUNAWAY STATUS OFFENDERS COMPACT PROCEDURE

A. WHO MAY REQUEST ISSUANCE OF REQUISITION

1. Parent, Guardian, Person, or Agency with Legal Custody

Parent, guardian, person, or agency entitled to legal custody of a juvenile, who has not been adjudicated to be a delinquent child but who has run away to another state without consent, may petition juvenile court to issue a requisition demanding return of the child. Ind. Code 31-37-23-1(Article 4(a)).

2. Court Alone, If Delinquency or CHINS Matter Pending

In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when the child runs away, the court may issue a requisition for the return of the juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to custody, reciting therein the nature and circumstances of the pending proceeding. Ind. Code 31-37-23-1(Article 4(a)).

B. CONTENTS OF PETITION FOR REQUISITION

The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decree. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. Ind. Code 31-37-23-1 (Article 4(a)).

C. COURT MAY HOLD HEARING ON PETITION

Juvenile court may, but is not required, to hold a hearing before granting petition. Ind. Code 31-37-23-1(Article 4(a)).

1. Purpose of Hearing

The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. Ind. Code 31-37-23-1(Article 4(a)).

D. COURT MAY ISSUE WRITTEN REQUISITION TO RECEIVING STATE FOR RETURN OF CHILD

1. Requisition Presented to Appropriate Court or State Executive Authority

If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Ind. Code 31-37-23-1(Article 4(a)).

2. Contents of Requisition

Such requisition shall set for the name and age of the juvenile, the determination of the court that the juvenile has run away without consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. The requisition shall in every case be executed in duplicate and shall be signed by the judge. Ind. Code 31-37-23-1(Article 4(a)).

3. Requisition Filed with Compact Administrator of Demanding State

One (1) copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Ind. Code 31-37-23-1(Article 4(a)).

E. DETENTION ORDER ISSUED IN RECEIVING STATE

Upon the receipt a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed [receiving state] shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Ind. Code 31-37-23-1(Article 4(a)).

1. Contents of Detention Order

Such detention order must substantially recite the facts necessary to verify the validity [of the order]. Ind. Code 31-37-23-1(Article 4(a)).

2. No Detention of Juvenile in Prison, Jail, or Lockup

To every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported with criminal, vicious, or dissolute persons. Ind. Code 31-37-23-1(Article 9).

F. HEARING REQUIRED PRIOR TO RETURN TO DEMANDING STATE

No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. Ind. Code 31-37-23-1(Article 4(a)).

1. Juvenile Shall Be Returned If Requisition in Order

If the judge of the [receiving state's] court shall find that the requisition is in order, he shall deliver the juvenile over to the officer whom the court demanding him shall have appointed to receive him. Ind. Code 31-37-23-1(Article 4(a)).

2. Judge May Fix Time to Test Legality of Proceeding

The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. Ind. Code 31-37-23-1(Article 4(a)).

3. Juvenile May Be Detained Without a Requisition for Up to 90 Days

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety (90) days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of the demanding state. Ind. Code 31-37-23-1(Article 4(a)).

4. Return of Juvenile May Be Delayed

If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the receiving state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. Ind. Code 31-37-23-1(Article 4(a)).

G. TRANSPORTATION OF JUVENILE TO DEMANDING STATE

1. Juvenile May Be Transported Through Any Compact State

The duly accredited officers of any state party to the compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to the Compact, without interference. Ind. Code 31-37-23-1(Article 4(a)).

2. Demanding State Responsible for Transportation Costs

The state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return. Ind. Code 31-37-23-1(Article 4(b)).

H. WHEN RUNAWAY JUVENILE FOUND IN ANOTHER STATE WITHOUT A REQUISITION OR DETENTION ORDER

1. No Requisition Necessary If Juvenile Consents to Return After Being Taken into Custody – Voluntary Return

Any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article 4(a) or of Article 5(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Ind. Code 31-37-23-1(Article 6).

a. Consent must be in writing

Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Ind. Code 31-37-23-1(Article 6).

b. Juvenile must be informed of his rights

Before such consent shall be executed or subscribed . . . , the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile of his rights under this compact. Ind. Code 31-37-23-1(Article 6).

c. Consent forwarded to compact administrator in receiving state

When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and, if the court orders the juvenile to return unaccompanied to the demanding state, to the compact administrator of the state to which the juvenile is ordered to return. Ind. Code 31-37-23-1(Article 6).

2. Juvenile Returned to Demanding State

a. Return by officers

The judge shall direct the officer having the juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return and shall cause to be delivered to such officer or officers a copy of the consent. Ind. Code 31-37-23-1(Article 6).

b. Return unaccompanied by officers

The court may, however, upon request of the demanding state, order the juvenile to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile is ordered to return. Ind. Code 31-37-23-1(Article 6).

I. JUVENILE MAY HAVE FURTHER PROCEEDINGS IN DEMANDING STATE UPON RETURN

Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the law of that state. Ind. Code 31-37-23-1(Article 4(a)).

V. DELINQUENT ESCAPEES AND ABSCONDERS COMPACT PROCEDURE

A. PROBATION OR PAROLE AUTHORITY ISSUES REQUISITION

The appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Ind. Code 31-37-23-1(Article 5(a)).

B. CONTENTS OF PETITION FOR REQUISITION

The requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquency juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two (2) certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. Ind. Code 31-37-23-1(Article 5(a)).

C. REQUISITION FILED WITH COMPACT ADMINISTRATOR OF DEMANDING STATE

One (1) copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Ind. Code 31-37-23-1(Article 5(a)).

D. DETENTION ORDER ISSUED IN RECEIVING STATE

Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed [receiving state] shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Ind. Code 31-37-23-1(Article 5(a)).

1. Contents of Detention Order

Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. Ind. Code 31-37-23-1(Article 5(a)).

E. HEARING REQUIRED ON REQUISITION PRIOR TO RETURN TO DEMANDING STATE

No delinquent juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or a guardian ad litem for him. Ind. Code 31-37-23-1(Article 5(a)).

1. Juvenile Shall Be Returned If Requisition in Order

If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. Ind. Code 31-37-23-1(Article 5(a)).

2. Judge May Fix Time to Test Legality of Proceeding

The judge may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding. Ind. Code 31-37-23-1(Article 5(a)).

3. Juvenile May Voluntarily Consent to Return

Any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any other state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article 4(a) or of Article 5(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Ind. Code 31-37-23-1(Article 6).

4. Juvenile May Detained Without a Requisition for Up To 90 Days

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety (90) days, as will enable his detention under a detention order issued on a requisition pursuant to this article. Ind. Code 31-37-23-1(Article 5(a)).

5. Return of Juvenile May Be Delayed If There Are Pending Criminal or Juvenile Delinquency in the Receiving State

If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until

discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. Ind. Code 31-37-23-1(Article 5(a)).

F. TRANSPORTATION OF JUVENILE TO DEMANDING STATE

1. Juvenile May Be Transported Through Any Compact State

The duly accredited officers of any state party to the compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to the compact, without interference. Ind. Code 31-37-23-1(Article 5(a)).

2. Demanding State Responsible for Transportation Costs

The state to which a juvenile is returned shall be responsible for payment of the transportation costs of such return. Ind. Code 31-37-23-1(Article 4(b), 5(b)).

G. NO REQUISITION NECESSARY IF DELINQUENT CONSENTS TO RETURN AFTER BEING TAKEN INTO CUSTODY

Any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article 4(a) or of Article 5(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Ind. Code 31-37-23-1(Article 6).

1. Consent Must Be in Writing

Consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Ind. Code 31-37-23-1(Article 6).

2. Juvenile Must Be Informed of His Rights

Before such consent shall be executed or subscribed, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under the Compact. Ind. Code 31-37-23-1(Article 6).

PRACTICE POINTER: A variety of forms are available through the Interstate Commission for Juveniles website. A “Juvenile Rights Form For Consent for Voluntary Return of Out of State Juvenile” contains a list of rights advisements and can be found at <https://www.juvenilecompact.org/sites/default/files/ICJ%20Juvenile%20Rights%20Form%202021.pdf>. The website also contains several dual English-Spanish language forms. Links to all of the available forms are found at <https://www.juvenilecompact.org/forms>.

3. Consent Forwarded to Compact Administrator in Receiving State

When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located. Ind. Code 31-37-23-1(Article 6).

4. Juvenile Returned to Demanding State

a. Return by Officers

The judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return and shall cause to be delivered to such officer or officers a copy of the consent. Ind. Code 31-37-23-1(Article 6).

b. Return Unaccompanied by Officers

The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return. Ind. Code 31-37-23-1 (Article 6).

H. JUVENILE MAY BE HAVE FURTHER PROCEEDINGS IN DEMANDING STATE UPON RETURN

Upon his return to the state from which he escaped or absconded; the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the law of that state. Ind. Code 31-37-23-1 (Article 5(a)).

VI. COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES

The duly constituted judicial and administrative authorities of a sending state may permit any juvenile delinquent within such state, placed on probation or parole, to reside in any other compact state [receiving state] while on probation or parole. Ind. Code 31-37-23-1(Article 7(a)).

A. WHO MUST RESIDE IN RECEIVING STATE

1. Person with Legal Custody Resides in Receiving State

The receiving state shall accept a juvenile delinquent placed on probation or parole if the parent, guardian, or person entitled to legal custody of the juvenile delinquent is residing or undertakes to reside within the receiving state. Ind. Code 31-37-23-1(Article 7(a)).

2. Receiving State May Agree to Supervision Even If Person with Legal Custody Does Not Reside in Receiving State

A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent child is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly. Ind. Code 31-37-23-1(Article 7(a)).

B. RECEIVING STATE MAY PERFORM INVESTIGATION

Before granting permission to undertake the parole or probation supervision, opportunity shall be given to the receiving state to make such investigations as it deems necessary. Ind. Code 31-37-23-1(Article 7(a)).

C. RELEVANT INFORMATION ABOUT DELINQUENT JUVENILE MUST BE SENT TO RECEIVING STATE

The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies, and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. Ind. Code 31-37-23-1(Article 7(a)).

D. SUPERVISION DUTIES OF RECEIVING STATE

Each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole. Ind. Code 31-37-23-1(Article 7(b)).

E. JUVENILE MAY BE RETURNED TO THE SENDING STATE

After consultation between the appropriate authorities of the sending and receiving states as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. Ind. Code 31-37-23-1(Article 7(c)).

1. Little Formality Required

No formalities for the return of the juvenile will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. Ind. Code 31-37-23-1(Article 7(c)).

2. Decision to Take Custody Not Reviewable by Receiving State

The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state. Ind. Code 31-37-23-1(Article 7(c)).

3. Receiving State Must Consent to Return to Sending State If Charges Pending in Receiving State

If, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, the juvenile has any pending criminal charge or delinquency proceeding for an act in the receiving state or if he is suspected of having committed within a criminal offense or delinquent act in the receiving state, the juvenile shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense or juvenile delinquency. Ind. Code 31-37-23-1(Article 7(c)).

4. Juvenile May Be Transported Through Any Compact State Necessary for Return

The duly accredited officers of any sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to the compact without interference. Ind. Code 31-37-23-1(Article 7(c)).

5. Demanding State Responsible for Transportation Costs

The sending state shall be responsible for paying the cost of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state. Ind. Code 31-37-23-1(Article 7(d)).

VII. PLACEMENT OF DELINQUENT JUVENILE IN OUT-OF-STATE FACILITY FOR TREATMENT AND REHABILITATION

A. COMPACT STATES MAY ENTER INTO AGREEMENTS FOR THE USE OF FACILITIES

Supplementary agreements may be entered into by any Compact states for the cooperative care, treatment, and rehabilitation of juvenile delinquents whenever the agreement will improve the facilities or programs available for such care, treatment, and rehabilitation located within any state entering into such supplementary agreement. Ind. Code 31-37-23-1(Article 10).

B. COURT HEARING MUST BE HELD PRIOR TO PLACEMENT

The delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment, and custody. Ind. Code 31-37-23-1(Article 10).

1. Consent of Parent, Guardian, or Custodian Necessary

The consent of the parent, guardian, person, or agency entitled to legal custody of the delinquent juvenile shall be secured prior to his being sent to another state. Ind. Code 31-37-23-1(Article 10).

PRACTICE POINTER: Ind. Code 31-37-19-3(b) does not allow placement in a home or facility that is not a secure facility outside Indiana unless: (1) the placement is recommended or approved by the Department of Child Services director or his designee; or (2) the court makes written findings based on clear and convincing evidence that the out-of-state placement is appropriate because there is not an equivalent facility with adequate services located in Indiana, institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship, or the home or facility is located within fifty (50) miles of the juvenile's county of residence.

Ind. Code 31-40-1-2(d) and (e) govern when the Department of Child Services is responsible for paying the costs or expenses for housing or services for a child placed by a juvenile court in a home or facility outside of Indiana. DCS's decision whether to recommend or approve an out-of-state secure facility is subject to judicial review under the arbitrary and capricious standard. A.B. v. State, 949 N.E.2d 1204, 1218-20 (Ind. 2011).

C. SENDING STATE RETAINS JURISDICTION

The sending state shall at all times retain jurisdiction over the delinquent juveniles sent to an institution in another state. Ind. Code 31-37-23-1(Article 10).

1. Receiving State Acts as Agent for Sending State

The state receiving a juvenile delinquent in one of its institutions shall act solely as agent for the sending state. Ind. Code 31-37-23-1(Article 10).

2. Sending State May Inspect Facility

The sending state may perform reasonable inspection of the institutions. Ind. Code 31-37-23-1(Article 10).