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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective Date: December 6, 2012**

**Number: A-0419**

**Revised: August 6, 2013**

**Revised: April 12, 2016**

## **Interstate Compact for Juveniles (ICJ)**

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**Purpose**

To provide guidelines for return of interstate runaways in compliance with the Interstate Compact for Juveniles.

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**Approved**

This policy was approved by Gary Taylor, Director of CFS, on April 12, 2016. *Signature on file.*

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**Most Recent Revision**

This revision to the Policy and Procedure (P&P) incorporates recent rule changes for the Interstate Compact for Juveniles, and includes updated:

- Definitions
- Guidelines for non-voluntary return of runaways
- Transportation guidelines
- ICJ forms

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**Background**

The Interstate Compact for Juveniles (ICJ) is a multi-state agreement which promotes public safety and child well-being by governing the supervision and care of juvenile delinquents and probationers moving across state lines. In addition, the ICJ provides for the legal return of children/youth that have run away from home and crossed state lines.

The ICJ applies to runaways in the context of returning them to the state where the party (i.e., parent, guardian, agency, etc.) with legal custody resides. The ICJ also ensures a runaway receives due process rights.

In January 2010, California became a member of the ICJ through enactment of Welfare and Institutions Code (WIC) Section (§) 1400.

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## Definitions

For purposes of this P&P, the following apply:

**Runaway:** Persons within the juvenile jurisdictional age limit established by the home state, who have voluntarily left their residence without permission of the parent, guardian, person, or agency entitled to his/her legal custody.

**Compact Administrator:** The individual appointed in each member state responsible for the administration of the ICJ. In California, the Compact Administrator is an individual within the California Department of Corrections and Rehabilitation (CDCR) Division of Juvenile Justice (DJJ).

**Home State:** The state where the parent, guardian, person, or agency having legal custody of child/youth-is located.

**Holding State:** The state where the child/youth is located.

**Custodial Agency:** The agency which has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.

**Juvenile:** Any person defined as a juvenile in any member state or by the rules of the Interstate Commission.

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## POLICY

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### General ICJ Process

Interstate runaways may come to the attention of Children and Family Services (CFS) through a telephone call from the community to the Child Abuse Registry (CAR) or law enforcement delivery to Orangewood Children and Family Center (OCFC). Per CFS policy, reports involving interstate runaways will be assigned for Emergency Response (ER) investigation.

The ICJ requires:

- The provision of due process rights for the runaway
- Involvement of State Compact Administrators

**Note:** Pursuant to ICJ Rule 2-104, all verbal and written communications between states will be transmitted between Compact Administrator offices.

As indicated in ICJ Rule 6-101, runaways may be released to a parent, legal guardian, or custodial agency without implementation of the formal ICJ process if detained for less than 24 hours, excluding weekends and holidays, except in cases where the holding authority suspects abuse or neglect.

When no abuse or neglect is suspected, CFS will attempt to coordinate a runaway's release to his or her parent, legal guardian or the custodial agency within 24 hours (excluding weekends and holidays).

If a runaway cannot be released to a parent, legal guardian, or custodial agency, the runaway will be returned to his/her home state by one of the following ICJ authorized methods:

- Voluntary return
- Non-voluntary return

Pursuant to ICJ Rule 6-105, when allegations of abuse or neglect of a runaway are reported, neither the holding state nor the home state are alleviated from the responsibility of returning a runaway within ICJ time frames.

During the coordination of a runaway's return to the home state, CFS will implement protective interventions on behalf of the runaway as outlined in CFS P&Ps [Abuse Investigations—Protective Interventions \(A-0414\)](#) and [Warrants \(G-0901\)](#) with the goal of securing the runaway's safety and receipt of due process rights. **Note:** The ICJ supports the detention of runaways for their safety, the increased assurance of receipt of due process rights, and the expeditious return to home state. See [Attachment 1—Suggested Guidelines for the ICJ Process](#).

Per ICJ Rule 7-104, holding states will honor warrants entered into the National Crime Information Center (NCIC) database by a law enforcement agency or other authorized agency in the home state. Per CFS policy, staff will contact the appropriate local law enforcement agency to request a NCIC record clearance. Law enforcement may execute (i.e., serve) any existing warrants. Runaways with a warrant issued due to the commission of a crime (e.g., arrest warrant) will be referred to Juvenile Hall.

## Voluntary Return

ICJ Rule 6-102 provides procedures for the voluntary return of a runaway to his/her home state and will be applied when any of the following circumstances exist:

- Release to parent is not executed within 24 hours (excluding weekends and holidays)
- ER investigation in Orange County (OC) determines that abuse or neglect may have occurred
- A runaway is a dependent, or the subject of a petition, in the home state

The following responsibilities apply:

- A. Holding state's ICJ office contacts home state to advise of runaway's detainment and case circumstances.
- B. Home state immediately initiates measures to determine runaway's residency and jurisdictional facts in that state.
- C. At a court hearing in the holding state, a bench officer informs runaway of his/her due process rights under the compact. The court may elect to appoint counsel or a guardian ad litem to represent the runaway.
- D. If in agreement with the voluntary return, the runaway and bench officer sign *Consent for Voluntary Return of Out of State Juvenile (ICJ Form III)* at hearing. Holding state's ICJ office forwards the signed consent to the home state.
- E. Home state coordinates the runaway's return in a safe manner and within five business days of receipt of the signed *Consent for Voluntary Return of Out of State Juvenile (ICJ Form III)*.

**Note:** The time period for return may be extended up to an additional five business days with approval from both the holding and home state ICJ offices.

## Non-Voluntary Return

ICJ Rule 6-103 provides procedures for the demand of a runaway to his/her home state and will be applied when a runaway refuses to voluntarily return to his/her home state.

The following responsibilities apply:

- A. Holding state's ICJ office contacts the home state to inform of the runaway's detainment and refusal of the runaway to voluntarily return to home state.
- B. Home state prepares a written requisition within 60 calendar days of notification of runaway's refusal to voluntarily return to home state.

**Note:** Runaways may be held a maximum of 90 calendar days pending return to the home state. The holding and home state ICJ offices maintain regular contact to facilitate accurate preparation and timely delivery of documents to minimize detention time.

- C. The bench officer in the home state determines if the petitioner (i.e., the party requesting return of the runaway) is entitled to legal custody of child/youth.

When the home state bench officer determines the runaway should be returned, the home state bench officer signs *ICJ Requisition for Runaway Juvenile (Form I)*.

**Note:** If not already detained, the court in the home state may order the runaway held pending a hearing on the requisition.

- D. Holding and home state ICJ offices maintain regular contact to facilitate the accurate and timely completion and transfer of all requisition packets.
- E. Juvenile Court in the holding state holds a hearing within 30 calendar days of receipt of the requisition to:
  - Inform runaway of the demand to return to home state
  - Determine proof of entitlement for return of the runaway (e.g., documentation verifying the requesting party is entitled to the juvenile's custody)

If proof of entitlement is not established, the bench officer will issue written findings detailing the reason(s) for denial.

**Note:** The time period for the hearing may be extended with approval of both state ICJ offices. Court may elect to appoint counsel or a guardian ad litem for the runaway.

- F. Holding state's ICJ office immediately forwards the findings and orders of the holding state's Juvenile Court to the home state's ICJ Office.
- G. Home state returns the runaway within five business days of receipt of the order granting the requisition.
  - Time period may be extended up to an additional five business days with the approval of both state ICJ offices
  - Requisitioned runaways will be accompanied in their return to the home state unless both state ICJ offices determine otherwise

**Transportation**

ICJ Rule 7-106 outlines transportation activities. Holding states are responsible for transporting runaways to local airports or other means of public transportation as arranged by the home state and for maintaining runaway's security until departure.

Home states will make every effort to accommodate the airport preferences of the holding state. Travel plans should be made with consideration of normal business hours and exceptions will be approved by the holding state.

Holding states will not return personal belongings (e.g., cigarettes, medication, lighters, cell phones, change of clothes, weapons, etc.) to a runaway which could jeopardize the health, safety, or security of the runaway or others.

Holding states will confiscate questionable personal belongings and return those belongings to the parent or legal guardian by approved carrier (e.g., USPS, UPS, and Federal Express) cash on delivery (COD) or at the expense of the home state.

In circumstances where a runaway is being transported by airplane, the holding state will verify/confirm the child/youth has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork or appropriate due process documentation in his/her possession before entering the airport.

The home state will not use commercial ground transportation unless all other options have been considered or the juvenile is accompanied by an adult.

## **Airport Supervision**

ICJ Rule 7-107 outlines airport supervision responsibilities. Runaways traveling by airplane will be supervised from arrival at the airport until departure.

Member states (i.e., states that participate in ICJ) will provide supervision and assistance to unescorted runaways at intermediate airports en route to the home state. Home states will give states providing airport supervision a minimum of 48 hours advance notice.

In the event of an emergency situation (i.e., weather, delayed flight, missed flight, etc.) that interrupts or changes established travel plans, member states will provide necessary services and assistance, including temporary detention or appropriate shelter arrangements for the runaway until transport to the home state is rearranged and/or completed.

## **Financial Responsibilities**

In accordance with ICJ Rule 7-101(1), home states are responsible for transportation arrangements, the costs of transportation, and for the return of runaways within five business days of being notified by the holding state's ICJ office that the runaway's due process rights have been met.

Pursuant to ICJ Rule 7-101(2), holding states will not be reimbursed for the cost of detaining a child/youth under the provision of the ICJ unless the home state fails to effect the return of the runaway within five business days or the agreed upon time period.

## **ICJ vs. ICPC**

While the ICJ governs the supervision and care, or return, of juvenile delinquents and probationers across state lines, the Interstate Compact on the Placement of Children (ICPC) is a contract between member states that governs the placement and supervision of abused, neglected, or dependent children into another state. At times, collaboration with both compacts may be required.

- **Example 1:** Home state (A) places child into a receiving state (B) through ICPC. Child runs away from receiving state (B) into a third state (C). Because the child crossed state lines, the ICJ would apply, and the home state (A) coordinates the child's return with state (C), which would be the holding state

- **Example 2:** Home state (A) places child into a receiving state (B) through ICPC. Child runs away from placement yet stays within the jurisdiction of the receiving state (B). Because the child did not cross state lines, the ICJ does not apply. The child’s placement or return to home state is coordinated through the ICPC

Staff will notify the OC ICPC Coordinator if enacting the ICJ on a child/youth involved in an ICPC to apprise of the case status, consult, and coordinate efforts, as necessary. Refer to CFS P&P [Interstate Compact on the Placement of Children \(K-0502\)](#).

**Documentation** Per CFS policy, ICJ related activities, including contacts with parents or legal guardians, California (CA) ICJ Compact Administrator and, as applicable, OC ICPC Coordinator, will be documented in Child Welfare Services/Case Management System (CWS/CMS). Copies of ICJ forms submitted to, or received from, Court will be filed in the child’s/youth’s legal file.

## REFERENCES

**Attachments and CWS/CMS Data Entry Standards** Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Suggested Guidelines for the ICJ Process](#)
- [Attachment 2—California ICJ Contacts](#)
- [CWS/CMS Data Entry Standards—Special Project Codes](#)

**Hyperlinks** Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Interstate Compact on the Placement of Children \(K-0502\)](#)
- CFS P&P [Electronic Signing and Filing of Court Reports \(B-0217\)](#)
- CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#)
- CFS P&P [Warrants \(G-0901\)](#)
- [Interstate Commission for Juveniles website](#)
- [ICJ Rules](#)

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**Other Sources** Other printed references include the following:

None.

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## FORMS

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**Online Forms** Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
<a href="#">Request for Hearing Regarding Advisement of ICJ Rights</a>	F063-25-714
<a href="#">Application for Petition Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile</a>	F063-28-43 ICJ Rights
<a href="#">Consent for Voluntary Return of Out of State Juvenile</a>	ICJ Form III
<a href="#">ICJ Requisition for Runaway Juvenile</a>	ICJ Form I

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**Hard Copy Forms**

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

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**CWS/CMS Forms**

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

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**Brochures**

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

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## LEGAL MANDATES

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[Welfare and Institutions Code \(WIC\) Section \(§\) 1400](#) contains the ICJ articles and outlines the provisions of the ICJ.

[WIC § 306](#) outlines the legal authority for a social worker to place a child into protective custody.

ICJ Rules Sections 100–900 govern the implementation of the ICJ and [Section 600 \(Rules 6-101 through 7-107\)](#) apply to the return of juveniles, including runaways.