

<b>POLICY TITLE: INTERSTATE COMPACT FOR JUVENILES, RETURNS</b>		<b>PAGE 1 OF 6</b>
<b>POLICY NUMBER: 9.2.1 (JCC)</b>		
<b>CHAPTER 9: SUPERVISION AND CASE MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
	<b>EFFECTIVE DATE:</b> <b>December 7, 2006</b>	<b>LATEST REVISION:</b> <b>May 8, 2025</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A MRSA Chapter 9 Subchapter 7.

**II. APPLICABILITY**

Juvenile Community Corrections

**III. POLICY**

It is the policy of the Department of Corrections that all cases subject to the provisions of the [Interstate Compact for Juveniles \(ICJ\)](#) be processed and managed in accordance with the compact.

**IV. DEFINITIONS**

1. Delinquent juvenile – A juvenile who is charged with or has been found to have committed an offense that, if committed by an adult, would be a criminal offense.
2. Emancipated juvenile – In Maine, a juvenile who has reached the age of 18 (and does not have a legal guardian); is at least 16 years of age and married with their parent(s)' or legal guardian's permission; or is at least 16 years of age and has been emancipated by court order. In other jurisdictions, these ages might be different.
3. Interstate Compact for Juveniles (ICJ) – the agreement pertaining to the legally authorized transfer of supervision and care of juveniles, 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.
4. Jurisdictions – for the purposes of this policy, this refers to all 50 states, plus the District of Columbia and the U.S. Virgin Islands.
5. Juvenile – for the purposes of this policy, in Maine, a person who had not attained eighteen (18) years of age at the time the person allegedly committed a juvenile crime or who is a runaway and has not attained 18 years of age. In other jurisdictions, this age might be different.

6. Runaway – for the purposes of this policy, a juvenile who has left the care of the juvenile's parent(s)/guardian/legal custodian in another jurisdiction without their consent or who refuses to return to the care of the juvenile's parent(s)/guardian/legal custodian in another jurisdiction without their consent.

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 Procedure B: Interstate Compact for Juveniles (ICJ) Returns, Voluntary  
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## VI. ATTACHMENTS

- [Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile](#)  
[Form A - Petition for Requisition to Return a Runaway Juvenile](#)  
[Form I - Requisition for Runaway Juvenile](#)  
[Form II - Requisition for Escapee, Absconder, or Accused Delinquent](#)  
[Form III - Consent for Voluntary Return of Out of State Juvenile](#)

## VII. PROCEDURES

### **Procedure A: Interstate Compact for Juveniles (ICJ) Returns and Detention, General**

1. When a law enforcement officer notifies a Juvenile Community Corrections Officer (JCCO) that a juvenile who has left the care of the juvenile's parent(s)/guardian/legal custodian in another jurisdiction without their consent has been found in Maine, the JCCO shall determine whether the runaway is delinquent by checking with the law enforcement officer for the existence of a warrant from the other jurisdiction or probable cause to believe the juvenile has committed a criminal offense or a juvenile criminal offense in Maine.
2. If the runaway is not delinquent, the JCCO shall inquire of the law enforcement officer whether there is a suspicion of abuse or neglect of the juvenile or human trafficking.
3. If the runaway is not delinquent and there is no suspicion of abuse, neglect, or human trafficking, the JCCO shall contact the Regional Interstate Compact for Juveniles (ICJ) Designee, who shall determine whether the JCCO may release the juvenile to their parent(s)/guardian/legal custodian within the first twenty-four (24) hours (excluding weekends and holidays). If the juvenile is released within this time period, no further action shall be taken.
4. If the Regional ICJ Designee determines that the juvenile may be released, the JCCO shall contact their parent(s)/guardian/legal custodian, if the law enforcement officer has not already done so, to arrange for the juvenile to be picked up within twenty-four (24) hours (excluding weekends and holidays).
5. If the runaway is delinquent, there is suspicion of abuse, neglect, or human trafficking of the runaway, or the runaway is not released to their parent(s)/guardian/legal custodian within twenty-four (24) hours (excluding weekends and holidays), the JCCO shall order the juvenile to be detained and shall notify the Regional ICJ Designee, who shall notify the Maine ICJ Office.

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6. If there is suspicion of abuse, neglect, or human trafficking of a runaway Maine juvenile, the Maine ICJ Office shall notify the other jurisdiction's ICJ Office.
7. When a law enforcement officer notifies a JCCO that a juvenile who has absconded from probation or parole in another jurisdiction, who has escaped from a detention or correctional facility in another jurisdiction, or who is accused of an offense in another jurisdiction has been found in Maine, the JCCO shall order the juvenile to be detained and shall notify the Regional ICJ Designee, who shall notify the Maine ICJ Office.
8. When a law enforcement officer notifies a JCCO that a juvenile who is a runaway from another jurisdiction, who has absconded from probation or parole in another jurisdiction, who has escaped from a detention or correctional facility in another jurisdiction, or who is accused of an offense in another jurisdiction has been found in Maine and there is probable cause to believe the juvenile has committed a criminal offense or a juvenile criminal offense in Maine, the JCCO shall order the juvenile to be detained and shall notify the Regional ICJ Designee, who shall notify the Maine ICJ Office.
9. Whenever the JCCO is required to detain the juvenile pursuant to this policy, they shall complete a Detention Risk Assessment Instrument (RAI), Attachment A to Department Policy 9.3, Pre-Adjudication Functions and the Detention Information Worksheet, Attachment B to Department Policy 9.3, Pre-Adjudication Functions.
10. Returns of juveniles from Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and foreign countries and Maine juveniles found in these places are not governed by the rules of the ICJ. In the event that a law enforcement officer or the government of one of these places, as applicable, contacts a JCCO about such a juvenile, the JCCO shall contact the Maine ICJ Office, which shall determine the appropriate action to take.

**Procedure B: Interstate Compact for Juveniles (ICJ) Returns, Voluntary**

1. With respect to a juvenile for whom a Juvenile Community Corrections Officer (JCCO) has received notification, Maine's Interstate Compact for Juveniles (ICJ) Office shall contact the other jurisdiction's ICJ Office advising them of case specifics. If the other jurisdiction's ICJ Office does not provide to the Maine ICJ Office within twenty-four (24) hours information about the juvenile's residency and jurisdictional facts in that jurisdiction, the Maine ICJ Office shall contact the other jurisdiction's ICJ Office requesting them to do so.
2. Every juvenile detained under this policy shall be brought before a Maine juvenile court for a Form III hearing. As soon as practicable prior to the hearing, the Maine ICJ Office shall provide the juvenile's attorney, the prosecuting attorney, and the court with the Juvenile Rights Form for Consent for Voluntary Return of Out Of State Juvenile and the Form III - Consent for Voluntary Return of Out of State Juvenile.
3. A representative from the Maine ICJ Office shall appear at the hearing. If there is suspicion of abuse, neglect, or human trafficking of a runaway Maine juvenile, the Maine ICJ Office shall notify the court of those allegations.

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4. If a juvenile agrees at the hearing to return to the other jurisdiction, the juvenile shall sign the Form III - Consent for Voluntary Return of Out-of-State Juveniles in the presence of the court.
5. When a juvenile from another jurisdiction has attained 18 years of age and is brought before an adult court for an ICJ due process hearing, an adult waiver of extradition shall be used instead of the Form III.
6. A representative from the Maine ICJ Office shall appear at the hearing. If there is suspicion of abuse, neglect, or human trafficking of a runaway Maine juvenile, the Maine ICJ Office shall notify the court of those allegations.
7. If the Form III or adult waiver of extradition, as applicable, is signed by the juvenile and the court, the Maine ICJ Office shall forward it to the other jurisdiction's ICJ Office, except that in those cases where the juvenile is suspected of having committed a criminal offense or a juvenile criminal offense in Maine, the Maine ICJ Office shall not forward the form or waiver until the juvenile is discharged from prosecution, or other form of proceeding, imprisonment, detention, or supervision in Maine, unless the prosecuting attorney agrees to the return.
8. The juvenile shall be returned to the other jurisdiction no later than five (5) business days following consent being forwarded by the Maine ICJ Office. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
9. If the other jurisdiction does not effect the juvenile's return within the time frame above, the Maine ICJ Office shall request the other jurisdiction to effect the return of the juvenile per ICJ rules.
10. The Maine Department of Corrections shall render assistance to the other jurisdiction to ensure the retaking and return process is completed effectively.

**Procedure C: Interstate Compact for Juveniles (ICJ) Returns, Involuntary**

1. If a juvenile does not agree at the Form III hearing or the adult waiver of extradition hearing, as applicable, to return to the other jurisdiction, the Maine Interstate Compact for Juveniles (ICJ) Office shall notify the other jurisdiction's ICJ Office, and request that the other jurisdiction's ICJ Office initiate the requisition process.
2. In the case of a juvenile who is a runaway, if the other jurisdiction does not forward the Form I - Requisition for Runaway Juvenile, along with proof of entitlement as set out in Form A - Petition for Requisition to Return a Runaway Juvenile, within sixty (60) days, the Maine ICJ Office shall request the other jurisdiction to initiate the requisition per ICJ rules.
3. In the case of a juvenile who has absconded from probation or parole in another jurisdiction, who has escaped from a detention or correctional facility in another jurisdiction, or who is accused of an offense in another jurisdiction, if the other jurisdiction does not forward the Form II - Requisition for Escapee, Absconder, or Accused Delinquent, along with proof of entitlement (e.g., arrest warrant, juvenile court petition,

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juvenile judgment and commitment, etc.) within sixty (60) days, the Maine ICJ Office shall request the other jurisdiction to initiate the requisition per ICJ rules.

4. Upon receipt of the above paperwork, the juvenile shall be brought before a Maine juvenile court within thirty (30) days for a proof of entitlement hearing. As soon as practicable prior to the hearing, the Maine ICJ Office shall provide the juvenile’s attorney, the prosecuting attorney, and the court with the Form I or Form II, as applicable, and the proof of entitlement.
5. A representative from the Maine ICJ Office shall appear at the hearing.
6. Once the court has determined the other jurisdiction is entitled to the juvenile, the juvenile shall be returned to the other jurisdiction no later than within five (5) business days. This time period may be extended up to an additional five (5) business days with the approval from both ICJ Offices.
7. If the other jurisdiction does not effect the juvenile’s return within the time frame above, the Maine ICJ Office shall request the other jurisdiction to effect the return of the juvenile per ICJ rules.
8. The Maine Department of Corrections shall render assistance to the other jurisdiction to ensure the retaking and return process is completed effectively.

**Procedure D: Interstate Compact for Juveniles (ICJ) Returns of Maine Juveniles Found in Another Jurisdiction**

1. If the Maine Interstate Compact for Juveniles (ICJ) Office is notified that a Maine juvenile has been found in another jurisdiction and has agreed to return voluntarily, upon receipt of the signed Form III - Consent for Voluntary Return of Out-of-State Juveniles or adult waiver of extradition, as applicable, Maine shall return the juvenile pursuant to the ICJ Rules within five (5) business days. Maine may request the other’s jurisdiction’s ICJ Office for an additional five (5) business days.
2. If the Maine ICJ Office is notified that a Maine juvenile who is a runaway has been found in another jurisdiction and has not agreed to return voluntarily, upon notification of the juvenile’s refusal to sign the Form III - Consent for Voluntary Return of Out-of-State Juveniles or adult waiver of extradition, as applicable, Maine shall initiate the requisition process by forwarding to the other jurisdiction the Form I - Requisition for Runaway Juvenile, along with proof of entitlement as set out in Form A - Petition for Requisition to Return a Runaway Juvenile, within sixty (60) days.
3. If the Maine ICJ Office is notified that a Maine juvenile who has absconded from probation or community reintegration in Maine, who has escaped from a detention or correctional facility in Maine, or who is accused of an offense in Maine has been found in another jurisdiction and has not agreed to return voluntarily, upon notification of the juvenile’s refusal to sign the Form III - Consent for Voluntary Return of Out-of-State Juveniles or adult waiver of extradition, as applicable, Maine shall initiate the requisition process by forwarding the Form II - Requisition for Escapee, Absconder, or Accused Delinquent, along with proof of entitlement (e.g., arrest warrant, juvenile court petition, juvenile judgment and commitment, etc.) within sixty (60) days.

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4. If the other jurisdiction does not forward to the Maine ICJ Office the finding of the court in the other jurisdiction that Maine is entitled to the juvenile within thirty (30) days, the Maine ICJ Office shall request the other jurisdiction to do so per ICJ rules.
5. Once the other jurisdiction has forwarded to the Maine ICJ Office the finding of the court in the other jurisdiction that Maine is entitled to the juvenile, Maine shall return the juvenile pursuant to the ICJ Rules within five (5) business days. Maine may request the receiving jurisdiction's ICJ Office for an additional five (5) business days.
6. Unless the other jurisdiction notifies the Maine ICJ Office that there is suspicion of abuse, neglect, or human trafficking of a runaway Maine juvenile, the Maine ICJ Office shall work with the juvenile's parent(s)/guardian/legal custodian to ensure that the juvenile is safely returned to their custody, preferably by having the parent(s)/guardian/legal custodian pick up the juvenile in the other jurisdiction or, if that is not feasible, by making arrangements for the juvenile to travel back to Maine on their own (as an unaccompanied minor, if necessary).
7. If the other jurisdiction notifies the Maine ICJ Office that there is suspicion of abuse, neglect, or human trafficking of a runaway Maine juvenile, the Maine ICJ Office shall notify the Department of Health and Human Services so that it may take appropriate actions with respect to return of the juvenile and protection of the juvenile once back in Maine.
8. In the case of a juvenile who has absconded from probation or community reintegration in Maine, who has escaped from a detention or correctional facility in Maine, or who is accused of an offense in Maine, the Maine ICJ Office shall contact the Maine Fugitive Investigator and request them to return the juvenile.

## **VIII. PROFESSIONAL STANDARDS**

None

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