



SENATE BILL No. 826

January 30, 1996, Introduced by Senators BENNETT, MC MANUS and SHUGARS and referred to the Committee on Judiciary.

A bill to amend section 1 of Act No. 203 of the Public Acts of 1958, entitled as amended

"An act providing for the joinder of this state in an interstate compact on juveniles; to provide the terms of the compact; and to prescribe the powers and duties of the department of social welfare and the jurisdiction of the probate courts,"

being section 3.701 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 203 of the Public Acts of
2 1958, being section 3.701 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. The interstate compact on juveniles is hereby
5 enacted into law and entered into with all other jurisdictions
6 legally joining therein in the form substantially as follows:

7 INTERSTATE COMPACT ON JUVENILES

1 The contracting states solemnly agree:

2 ARTICLE I--Finding and Purposes

3 That juveniles who are not under proper supervision and con-
4 trol, or who have absconded, escaped or run away, are likely to
5 endanger their own health, morals and welfare, and the health,
6 morals and welfare of others. The cooperation of the states
7 party to this compact is therefore necessary to provide for the
8 welfare and protection of juveniles and of the public with
9 respect to (1) cooperative supervision of delinquent juveniles on
10 probation or parole; (2) the return, from one state to another,
11 of delinquent juveniles who have escaped or absconded; (3) the
12 return, from one state to another, of non-delinquent juveniles
13 who have run away from home; and (4) additional measures for the
14 protection of juveniles and of the public, which any two or more
15 of the party states may find desirable to undertake
16 cooperatively. In carrying out the provisions of this compact
17 the party states shall be guided by the non-criminal, reformatory
18 and protective policies which guide their laws concerning delin-
19 quent, neglected or dependent juveniles generally. It shall be
20 the policy of the states party to this compact to cooperate and
21 observe their respective responsibilities for the prompt return
22 and acceptance of juveniles and delinquent juveniles who become
23 subject to the provisions of this compact. The provisions of
24 this compact shall be reasonably and liberally construed to
25 accomplish the foregoing purposes.

26 ARTICLE II--Existing Rights and Remedies

1 That all remedies and procedures provided by this compact
2 shall be in addition to and not in substitution for other rights,
3 remedies and procedures and shall not be in derogation of paren-
4 tal rights and responsibilities.

5 ARTICLE III--Definitions

6 That, for the purposes of this compact "delinquent juvenile"
7 means any juvenile who has been adjudged delinquent and who, at
8 the time the provisions of this compact are invoked, is still
9 subject to the jurisdiction of the court that has made such adju-
10 dication or to the jurisdiction or supervision of an agency or
11 institution pursuant to an order of such court; "probation or
12 parole" means any kind of conditional release of juveniles autho-
13 rized under the laws of the states party hereto; "court" means
14 any court having jurisdiction over delinquent, neglected or
15 dependent children; "state" means any state, territory or posses-
16 sions of the United States, the District of Columbia, and the
17 Commonwealth of Puerto Rico; and "residence" or any variant
18 thereof means a place at which a home or regular place of abode
19 is maintained.

20 ARTICLE IV--Return of Runaways

21 (a) That the parent, guardian, person or agency entitled to
22 legal custody of a juvenile who has not been adjudged delinquent
23 but who has run away without the consent of such parent, guardi-
24 an, person or agency may petition the appropriate court in the
25 demanding state for the issuance of a requisition for his
26 return. The petition shall state the name and age of the
27 juvenile, the name of the petitioner and the basis of entitlement

1 to the juvenile's custody, the circumstances of his running away,
2 his location if known at the time application is made, and such
3 other facts as may tend to show that the juvenile who has run
4 away is endangering his own welfare or the welfare of others and
5 is not an emancipated minor. The petition shall be verified by
6 affidavit, shall be executed in duplicate, and shall be accom-
7 panied by two certified copies of the document or documents on
8 which the petitioner's entitlement to the juvenile custody is
9 based, such as birth certificates, letters of guardianship, or
10 custody decrees. Such further affidavits and other documents as
11 may be deemed proper may be submitted with such petition. The
12 judge of the court to which this application is made may hold a
13 hearing thereon to determine whether for the purposes of this
14 compact the petitioner is entitled to the legal custody of the
15 juvenile, whether or not it appears that the juvenile has in fact
16 run away without consent, whether or not he is an emancipated
17 minor, and whether or not it is in the best interest of the juve-
18 nile to compel his return to the state. If the judge determines,
19 either with or without a hearing, that the juvenile should be
20 returned, he shall present to the appropriate court or to the
21 executive authority of the state where the juvenile is alleged to
22 be located a written requisition for the return of such
23 juvenile. Such requisition shall set forth the name and age of
24 the juvenile, the determination of the court that the juvenile
25 has run away without the consent of a parent, guardian, person or
26 agency, entitled to his legal custody, and that it is in the best
27 interest and for the protection of such juvenile that he be

1 returned. In the event that a proceeding for the adjudication of
2 the juvenile as a delinquent, neglected or dependent juvenile is
3 pending in the court at the time when such juvenile runs away,
4 the court may issue a requisition for the return of such juvenile
5 upon its own motion, regardless of the consent of the parent,
6 guardian, person or agency entitled to legal custody, reciting
7 therein the nature and circumstances of the pending proceeding.
8 The requisition shall in every case be executed in duplicate and
9 shall be signed by the judge. One copy of the requisition shall
10 be filed with the compact administrator of the demanding state,
11 there to remain on file subject to the provisions of law govern-
12 ing records of such court. Upon the receipt of a requisition
13 demanding the return of a juvenile who has run away, the court or
14 the executive authority to whom the requisition is addressed
15 shall issue an order to any peace officer or other appropriate
16 person directing him to take into custody and detain such
17 juvenile. Such detention order must substantially recite the
18 facts necessary to the validity of its issuance hereunder. No
19 juvenile detained upon such order shall be delivered over to the
20 officer whom the court demanding him shall have appointed to
21 receive him, unless he shall first be taken forthwith before a
22 judge of a court in the state, who shall inform him of the demand
23 made for his return, and who may appoint counsel or guardian ad
24 litem for him. If the judge of such court shall find that the
25 requisition is in order, he shall deliver such juvenile over to
26 the officer whom the court demanding him shall have appointed to
27 receive him. The judge, however, may fix a reasonable time to be

1 allowed for the purpose of testing the legality of the
2 proceeding.

3 Upon reasonable information that a person is a juvenile who
4 has run away from another state party to this compact without the
5 consent of a parent, guardian, person or agency entitled to his
6 legal custody, such juvenile may be taken into custody without a
7 requisition and brought forthwith before a judge of the appropri-
8 ate court who may appoint counsel or guardian ad litem for such
9 juvenile and who shall determine after a hearing whether suffi-
10 cient cause exists to hold the person, subject to the order of
11 the court, for his own protection and welfare, for such a time
12 not exceeding 90 days as will enable his return to another state
13 party to this compact pursuant to a requisition for his return
14 from a court of that state. If, at the time when a state seeks
15 the return of a juvenile who has run away, there is pending in
16 the state wherein he is found any criminal charge, or any pro-
17 ceeding to have him adjudicated a delinquent juvenile for an act
18 committed in such state, or if he is suspected of having commit-
19 ted within such state a criminal offense or an act of juvenile
20 delinquency, he shall not be returned without the consent of such
21 state until discharged from prosecution or other forms of pro-
22 ceeding, imprisonment, detention or supervision for such offense
23 or juvenile delinquency. The duly accredited officers of any
24 state party to this compact, upon the establishment of their
25 authority and the identity of the juvenile being returned, shall
26 be permitted to transport such juvenile through any and all
27 states party to this compact, without interference. Upon his

1 return to the state from which he ran away, the juvenile shall be
2 subject to such further proceedings as may be appropriate under
3 the laws of that state.

4 (b) That the state to which a juvenile is returned under
5 this Article shall be responsible for payment of the transporta-
6 tion costs of such return.

7 (c) That "juvenile" as used in this Article means any person
8 who is a minor under the law of the state of residence of the
9 parent, guardian, person or agency entitled to the legal custody
10 of such minor.

11 ARTICLE V--Return of Escapees and Absconders

12 (a) That the appropriate person or authority from whose pro-
13 bation or parole supervision a delinquent juvenile has absconded
14 or from whose institutional custody he has escaped shall present
15 to the appropriate court or to the executive authority of the
16 state where the delinquent juvenile is alleged to be located a
17 written requisition for the return of such delinquent juvenile.
18 Such requisition shall state the name and age of the delinquent
19 juvenile, the particulars of his adjudication as a delinquent
20 juvenile, the circumstances of the breach of the terms of his
21 probation or parole or of his escape from an institution or
22 agency vested with his legal custody or supervision, and the
23 location of such delinquent juvenile, if known, at the time the
24 requisition is made. The requisition shall be verified by affi-
25 davit, shall be executed in duplicate, and shall be accompanied
26 by two certified copies of the judgment, formal adjudication, or
27 order of commitment which subjects such delinquent juvenile to

1 probation or parole or to the legal custody of the institution or
2 agency concerned. Such further affidavits and other documents as
3 may be deemed proper may be submitted with such requisition. One
4 copy of the requisition shall be filed with the compact adminis-
5 trator of the demanding state, there to remain on file subject to
6 the provisions of law governing records of the appropriate
7 court. Upon the receipt of a requisition demanding the return of
8 a delinquent juvenile who has absconded or escaped, the court or
9 the executive authority to whom the requisition is addressed
10 shall issue an order to any peace officer or other appropriate
11 person directing him to take into custody and detain such delin-
12 quent juvenile. Such detention order must substantially recite
13 the facts necessary to the validity of its issuance hereunder.
14 No delinquent juvenile detained upon such order shall be deliv-
15 ered over to the officer whom the appropriate person or authority
16 demanding him shall have appointed to receive him, unless he
17 shall first be taken forthwith before a judge of an appropriate
18 court in the state, who shall inform him of the demand made for
19 his return and who may appoint counsel or guardian ad litem for
20 him. If the judge of such court shall find that the requisition
21 is in order, he shall deliver such delinquent juvenile over to
22 the officer whom the appropriate person or authority demanding
23 him shall have appointed to receive him. The judge, however, may
24 fix a reasonable time to be allowed for the purpose of testing
25 the legality of the proceeding.

26 Upon reasonable information that a person is a delinquent
27 juvenile who has absconded while on probation or parole, or

1 escaped from an institution or agency vested with his legal
2 custody or supervision in any state party to this compact, such
3 person may be taken into custody in any other state party to this
4 compact without a requisition. But in such event, he must be
5 taken forthwith before a judge of the appropriate court, who may
6 appoint counsel or guardian ad litem for such person and who
7 shall determine, after a hearing, whether sufficient cause exists
8 to hold the person subject to the order of the court for such
9 time, not exceeding 90 days, as will enable his detention under a
10 detention order issued on a requisition pursuant to this
11 Article. If, at the time when a state seeks the return of a
12 delinquent juvenile who has either absconded while on probation
13 or parole or escaped from an institution or agency vested with
14 his legal custody or supervision, there is pending in the state
15 wherein he is detained any criminal charge or any proceeding to
16 have him adjudicated a delinquent juvenile for an act committed
17 in such state, or if he is suspected of having committed within
18 such state a criminal offense or an act of juvenile delinquency,
19 he shall not be returned without the consent of such state until
20 discharged from prosecution or other form of proceeding, impris-
21 onment, detention or supervision for such offense or juvenile
22 delinquency. The duly accredited officers of any state party to
23 this compact, upon the establishment of their authority and the
24 identity of the delinquent juvenile being returned, shall be per-
25 mitted to transport such delinquent juvenile through any and all
26 states party to this compact, without interference. Upon his
27 return to the state from which he escaped or absconded, the

1 delinquent juvenile shall be subject to such further proceedings
2 as may be appropriate under the laws of that state.

3 (b) That the state to which a delinquent juvenile is
4 returned under this article shall be responsible for payment of
5 the transportation costs of such return.

6 ARTICLE VI--Voluntary Return Procedure

7 That any delinquent juvenile who has absconded while on pro-
8 bation or parole, or escaped from an institution or agency vested
9 with his legal custody or supervision in any state party to this
10 compact, and any juvenile who has run away from any state party
11 to this compact, who is taken into custody without a requisition
12 in another state party to this compact under the provisions of
13 Article IV (a) or of Article V (a), may consent to his immediate
14 return to the state from which he absconded, escaped or ran
15 away. Such consent shall be given by the juvenile or delinquent
16 juvenile and his counsel or guardian ad litem if any, by execut-
17 ing or subscribing a writing, in the presence of a judge of the
18 appropriate court, which states that the juvenile or delinquent
19 juvenile and his counsel or guardian ad litem, if any, consent to
20 his return to the demanding state. Before such consent shall be
21 executed or subscribed, however, the judge, in the presence of
22 the counsel or guardian ad litem, if any, shall inform the juve-
23 nile or delinquent juvenile of his rights under this compact.
24 When the consent has been duly executed it shall be forwarded to
25 and filed with the compact administrator of the state in which
26 the court is located and the judge shall direct the officer
27 having the juvenile or delinquent juvenile in custody to deliver

1 him to the duly accredited officer or officers of the state
2 demanding his return, and shall cause to be delivered to such
3 officer or officers a copy of the consent. The court may, how-
4 ever, upon the request of the state to which the juvenile or
5 delinquent juvenile is being returned, order him to return unac-
6 companied to such state and shall provide him with a copy of such
7 court order; in such event a copy of the consent shall be for-
8 warded to the compact administrator of the state to which said
9 juvenile or delinquent juvenile is ordered to return.

10 ARTICLE VII--Cooperative Supervision of Probationers and Parolees

11 (a) That the duly constituted judicial and administrative
12 authorities of a state party to this compact (herein called
13 "sending state") may permit any delinquent juvenile within such
14 state, placed on probation or parole, to reside in any other
15 state party to this compact (herein called "receiving state")
16 while on probation or parole, and the receiving state shall
17 accept such delinquent juvenile, if the parent, guardian or
18 person entitled to the legal custody of such delinquent juvenile
19 is residing or undertakes to reside within the receiving state.
20 Before granting such permission, opportunity shall be given to
21 the receiving state to make such investigations as it deems
22 necessary. The authorities of the sending state shall send to
23 the authorities of the receiving state copies of pertinent court
24 orders, social case studies and all other available information
25 which may be of value to and assist the receiving state in super-
26 vising a probationer or a parolee under this compact. A
27 receiving state, in its discretion, may agree to accept

1 supervision of a probationer or parolee in cases where the
2 parent, guardian or person entitled to the legal custody of the
3 delinquent juvenile is not a resident of the receiving state, and
4 if so accepted the sending state may transfer supervision
5 accordingly.

6 (b) That each receiving state will assume the duties of vis-
7 itation and of supervision over any such delinquent juvenile and
8 in the exercise of those duties will be governed by the same
9 standards of visitation and supervision that prevail for its own
10 delinquent juveniles released on probation or parole.

11 (c) That, after consultation between the appropriate author-
12 ities of the sending state and of the receiving state as to the
13 desirability and necessity of returning such delinquent juvenile,
14 the duly accredited officers of a sending state may enter a
15 receiving state and there apprehend and retake any such delin-
16 quent juvenile on probation or parole. For that purpose, no for-
17 malities will be required, other than establishing the authority
18 of the officer and the identity of the delinquent juvenile to be
19 retaken and returned. The decision of the sending state to
20 retake a delinquent juvenile on probation or parole shall be con-
21 clusive upon and not reviewable within the receiving state, but
22 if, at the time the sending state seeks to retake a delinquent
23 juvenile on probation or parole, there is pending against him
24 within the receiving state any criminal charge or any proceeding
25 to have him adjudicated a delinquent juvenile for any act commit-
26 ted in such state, or if he is suspected of having committed
27 within such state a criminal offense or an act of juvenile

1 delinquency, he shall not be returned without the consent of the
2 receiving state until discharged from prosecution or other form
3 of proceeding, imprisonment, detention or supervision for such
4 offense or juvenile delinquency. The duly accredited officers of
5 the sending state shall be permitted to transport delinquent
6 juveniles being so returned through any and all states party to
7 this compact, without interference.

8 (d) That the sending state shall be responsible under this
9 Article for paying the costs of transporting any delinquent juve-
10 nile to the receiving state or of returning any delinquent juve-
11 nile to the sending state.

12 ARTICLE VIII--Responsibility for Costs

13 (a) That the provisions of Articles IV (b), V (b) and VII
14 (d) of this compact shall not be construed to alter or affect any
15 internal relationship among the departments, agencies and offi-
16 cers of and in the government of a party state, or between a
17 party state and its subdivisions, as to the payment of costs, or
18 responsibilities therefor.

19 (b) That nothing in this compact shall be construed to pre-
20 vent any party state or subdivision thereof from asserting any
21 right against any person, agency or other entity in regard to
22 costs for which such party state or subdivision thereof may be
23 responsible pursuant to Articles IV (b), V (b) or VII (d) of this
24 compact.

25 ARTICLE IX--Detention Practices

26 That, to every extent possible, it shall be the policy of
27 states party to this compact that no juvenile or delinquent

1 juvenile shall be placed or detained in any prison, jail or
2 lockup nor be detained or transported in association with crimi-
3 nal, vicious or dissolute persons.

4 ARTICLE X--Supplementary Agreements

5 That the duly constituted administrative authorities of a
6 state party to this compact may enter into supplementary agree-
7 ments with any other state or states party hereto for the cooper-
8 ative care, treatment and rehabilitation of delinquent juveniles
9 whenever they shall find that such agreement will improve facili-
10 ties or programs available for such care, treatment and
11 rehabilitation. Such care, treatment and rehabilitation may be
12 provided in an institution located within any state entering into
13 such supplementary agreement. Such supplementary agreements
14 shall (1) provide the rates to be paid for the care, treatment
15 and custody of such delinquent juveniles, taking into considera-
16 tion the character of facilities, services and subsistence fur-
17 nished; (2) provide that the delinquent juvenile shall be given a
18 court hearing prior to his being sent to another state for care,
19 treatment and custody; (3) provide that the state receiving such
20 a delinquent juvenile in one of its institutions shall act solely
21 as agent for the state sending such delinquent juvenile; (4) pro-
22 vide that the sending state shall at all times retain jurisdic-
23 tion over delinquent juveniles sent to an institution in another
24 state; (5) provide for reasonable inspection of such institutions
25 by the sending state; (6) provide that the consent of the parent,
26 guardian, person or agency entitled to the legal custody of said
27 delinquent juvenile shall be secured prior to his being sent to

1 another state; and (7) makes provision for such other matters and
2 details as shall be necessary to protect the rights and equities
3 of such delinquent juveniles and of the cooperating states.

4 ARTICLE XI--Acceptance of Federal and Other Aid

5 That any state party to this compact may accept any and all
6 donations, gifts and grants of money, equipment and services from
7 the federal or any local government, or any agency thereof and
8 from any person, firm or corporation, for any of the purposes and
9 functions of this compact, and may receive and utilize the same
10 subject to the terms, conditions and regulations governing such
11 donations, gifts and grants.

12 ARTICLE XII--Compact Administrators

13 That the governor of each state party to this compact shall
14 designate an officer who, acting jointly with like officers of
15 other party states, shall promulgate rules and regulations to
16 carry out more effectively the terms and provisions of this
17 compact.

18 ARTICLE XIII--Execution of Compact

19 That this compact shall become operative immediately upon
20 its execution by any state as between it and any other state or
21 states so executing. When executed it shall have the full force
22 and effect of law within such state, the form of execution to be
23 in accordance with the laws of the executing state.

24 ARTICLE XIV--Renunciation

25 That this compact shall continue in force and remain binding
26 upon each executing state until renounced by it. Renunciation of
27 this compact shall be by act of the legislature, by sending 6

1 months' notice in writing of its intention to withdraw from the
2 compact to the other states party hereto. The duties and obliga-
3 tions of a renouncing state under Article VII hereof shall con-
4 tinue as to parolees and probationers residing therein at the
5 time of withdrawal until retaken or finally discharged.

6 Supplementary agreements entered into under Article X hereof
7 shall be subject to renunciation as provided by such supplemen-
8 tary agreements, and shall not be subject to the 6 months' renun-
9 ciation notice of the present article.

10 ARTICLE XV--Severability

11 That the provisions of this compact shall be severable and
12 if any phrase, clause, sentence or provision of this compact is
13 declared to be contrary to the constitution of any participating
14 state or of the United States or the applicability thereof to any
15 government agency, person or circumstance is held invalid, the
16 validity of the remainder of this compact and the applicability
17 thereof to any government, agency, person or circumstance shall
18 not be affected thereby. If this compact shall be held contrary
19 to the constitution of any state participating therein, the com-
20 pact shall remain in full force and effect as to the remaining
21 states and in full force and effect as to the state affected as
22 to all severable matters.

23 ARTICLE XVI--ADDITIONAL ARTICLE

24 THE GOVERNOR IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE,
25 WITH ANY OTHER STATE OR STATES LEGALLY JOINING IN THE SAME, AN
26 AMENDMENT TO THE INTERSTATE COMPACT ON JUVENILES IN SUBSTANTIALLY
27 THE FOLLOWING FORM:

1 "(A) THAT THIS ARTICLE SHALL PROVIDE ADDITIONAL REMEDIES,
2 AND SHALL BE BINDING ONLY AS AMONG AND BETWEEN THOSE PARTY STATES
3 WHICH SPECIFICALLY EXECUTE THE SAME.

4 (B) FOR THE PURPOSE OF ARTICLE XVI (C), "CHILD", AS USE
5 HEREIN, MEANS ANY MINOR WITHIN THE JURISDICTIONAL AGE LIMITS OF
6 ANY COURT IN THE HOME STATE.

7 (C) WHEN ANY CHILD IS BROUGHT BEFORE A COURT OF A STATE OF
8 WHICH SUCH CHILD IS NOT A RESIDENT, AND SUCH STATE IS WILLING TO
9 PERMIT SUCH CHILD'S RETURN TO THE HOME STATE OF SUCH CHILD, SUCH
10 HOME STATE, UPON BEING SO ADVISED BY THE STATE IN WHICH SUCH PRO-
11 CEEDING IS PENDING, SHALL IMMEDIATELY INSTITUTE PROCEEDINGS TO
12 DETERMINE THE RESIDENCE AND JURISDICTIONAL FACTS AS TO SUCH CHILD
13 IN SUCH HOME STATE, AND UPON FINDING THAT SUCH CHILD IS IN FACT A
14 RESIDENT OF SAID STATE AND SUBJECT TO THE JURISDICTION OF THE
15 COURT THEREOF, SHALL WITHIN FIVE DAYS AUTHORIZE THE RETURN OF
16 SUCH CHILD TO THE HOME STATE, AND TO THE PARENT OR CUSTODIAL
17 AGENCY LEGALLY AUTHORIZED TO ACCEPT SUCH CUSTODY IN SUCH HOME
18 STATE, AND AT THE EXPENSE OF SUCH HOME STATE, TO BE PAID FROM
19 SUCH FUNDS AS SUCH HOME STATE MAY PROCURE, DESIGNATE, OR PROVIDE,
20 PROMPT ACTION BEING OF THE ESSENCE.

21 (D) ALL PROVISIONS AND PROCEDURES OF ARTICLES V AND VI OF
22 THE INTERSTATE COMPACT ON JUVENILES SHALL BE CONSTRUED TO APPLY
23 TO ANY JUVENILE CHARGED WITH BEING A DELINQUENT JUVENILE FOR THE
24 VIOLATION OF ANY CRIMINAL LAW. ANY JUVENILE CHARGED WITH BEING A
25 DELINQUENT JUVENILE FOR VIOLATING ANY CRIMINAL LAW SHALL BE
26 RETURNED TO THE REQUESTING STATE UPON A REQUISITION TO THE STATE
27 WHERE THE JUVENILE MAY BE FOUND. A PETITION IN THE CASE SHALL BE

1 FILED IN A COURT OF COMPETENT JURISDICTION IN THE REQUESTING
2 STATE WHERE THE VIOLATION OF CRIMINAL LAW IS ALLEGED TO HAVE BEEN
3 COMMITTED. THE PETITION MAY BE FILED REGARDLESS OF WHETHER THE
4 JUVENILE HAS LEFT THE STATE BEFORE OR AFTER THE FILING OF THE
5 PETITION. THE REQUISITION DESCRIBED IN ARTICLE V OF THE COMPACT
6 SHALL BE FORWARDED BY THE JUDGE OF THE COUNTY IN WHICH THE PETI-
7 TION HAS BEEN FILED."