

January 28, 1965.

Senate File 137

Passed on File.

By LUCKEN, ELY, HANSEN and STEPHENS.

Passed Senate, Date *2/2*

Passed House, Date *2/3*

Vote: Ayes *5* Nays *0*

Vote: Ayes *96* Nays *0*

Approved.....

passed 1/14 pass 1/22

A BILL FOR

An Act conferring authority on the courts and agencies of the state of Iowa to enter into interstate juvenile compacts.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Sections two hundred thirty-one point fourteen
2 (231.14) and two hundred thirty-one point fifteen (231.15), Code
3 1962, are hereby repealed and the following enacted in lieu
4 thereof:

5 "The state of Iowa through its courts and agencies is hereby
6 authorized to enter into interstate compacts on juveniles in
7 behalf of this state with any other contracting state which
8 legally joins therein in substantially the following form.

9 The contracting states solemnly agree:

ARTICLE I—Findings and Purposes

11 That juveniles who are not under proper supervision and con-
12 trol, or who have absconded, escaped or run away, are likely to
13 endanger their own health, morals and welfare, and the health,
14 morals and welfare of others. The co-operation of the states
15 party to this compact is therefore necessary to provide for the
16 welfare and protection of juveniles and of the public with re-
17 spect to

- 18 1. co-operative supervision of delinquent juveniles on pro-
19 bation or parole;
- 20 2. the return, from one state to another, of delinquent

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16 welfare and protection of juveniles and of the public with re-
17 spect to

18 1. co-operative supervision of delinquent juveniles on pro-
19 bation or parole;

20 2. the return, from one state to another, of delinquent

21 juveniles who have escaped or absconded;
22 3. the return, from one state to another, or nondelinquent
23 juveniles who have run away from home; and
24 4. additional measures for the protection of juveniles and
25 of the public, which any two or more of the party states may
26 find desirable to undertake co-operatively. In carrying out
27 the provisions of this compact the party states shall be guided
28 by the noncriminal, reformatory and protective policies which
29 guide their laws concerning delinquent, neglected or dependent
30 juveniles generally. It shall be the policy of the states party
31 to this compact to co-operate and observe their respective re-
32 sponsibilities for the prompt return and acceptance of juveniles
33 and delinquent juveniles who become subject to the provisions
34 of this compact. The provisions of this compact shall be reason-
35 ably and liberally construed to accomplish the foregoing purposes.

36 ARTICLE II—Existing Rights and Remedies

37 That all remedies and procedures provided by this compact
38 shall be in addition to and not in substitution for other rights,
39 remedies and procedures, and shall not be in derogation of
40 parental rights and responsibilities.

41 ARTICLE III—Definitions

42 That, for the purpose of this compact, "delinquent juvenile"
43 means any juvenile who has been adjudged delinquent and who, at
44 the time the provisions of this compact are invoked, is still
45 subject to the jurisdiction of the court that has made such
46 adjudication or to the jurisdiction or supervision of an agency
47 or institution pursuant to an order of such court; "probation
48 or parole" means any kind of conditional release of juveniles
49 authorized under the laws of the states party hereto; "court"

50 means any court having jurisdiction over delinquent, neglected
51 or dependent children; "state" means any state, territory or
52 possession of the United States, the District of Columbia, and
53 the Commonwealth of Puerto Rico; and "residence" or any variant
54 thereof means a place at which a home or regular place of abode
55 is maintained.

56 ARTICLE IV—Return of Runaways

57 a. That the parent, guardian, person or agency entitled
58 to legal custody of a juvenile who has not been adjudged delin-
59 quent but who has run away without the consent of such parent,
60 guardian, person or agency may petition the appropriate court
61 in the demanding state for the issuance of a requisition for
62 his return. The petition shall state the name and age of the
63 juvenile, the name of the petitioner and the basis of entitle-
64 ment to the juvenile's custody, the circumstances of his running
65 away, his location if known at the time application is made, and
66 such other facts as may tend to show that the juvenile who has
67 run away is endangering his own welfare or the welfare of others
68 and is not an emancipated minor. The petition shall be verified
69 by affidavit, shall be executed in duplicate, and shall be accom-
70 panied by two certified copies of the document or documents on
71 which the petitioner's entitlement to the juvenile's custody is
72 based, such as birth certificates, letters of guardianship, or
73 custody decrees. Such further affidavits and other documents
74 as may be deemed proper may be submitted with such petition.
75 The judge of the court to which this application is made may
76 hold a hearing thereon to determine whether for the purposes of
77 this compact the petitioner is entitled to the legal custody of
78 the juvenile, whether or not it appears that the juvenile has

79 in fact run away without consent whether or not he is an eman-
80 cipated minor, and whether or not it is in the best interest of
81 the juvenile to compel his return to the state. If the judge
82 determines, either with or without a hearing, that the juvenile
83 should be returned, he shall present to the appropriate court
84 or to the executive authority of the state where the juvenile
85 is alleged to be located a written requisition for the return
86 of such juvenile. Such requisition shall set forth the name
87 and age of the juvenile, the determination of the court that
88 the juvenile has run away without the consent of a parent,
89 guardian, person or agency entitled to his legal custody, and
90 that it is in the best interest and for the protection of such
91 juvenile that he be returned. In the event that a proceeding
92 for the adjudication of the juvenile as a delinquent, neglected
93 or dependent juvenile is pending in the court at the time when
94 such juvenile runs away, the court may issue a requisition for
95 the return of such juvenile upon its own motion, regardless of
96 the consent of the parent, guardian, person or agency entitled
97 to legal custody, reciting therein the nature and circumstances
98 of the pending proceeding. The requisition shall in every case
99 be executed in duplicate and shall be signed by the judge. One
100 copy of the requisition shall be filed with the compact admin-
101 istrator of the demanding state, there to remain on file subject
102 to the provisions of law governing records of such court. Upon
103 the receipt of a requisition demanding the return of a juvenile
104 who has run away, the court or the executive authority to whom
105 the requisition is addressed shall issue an order to any peace
106 officer or other appropriate person directing him to take into
107 custody and detain such juvenile. Such detention order must

108 substantially recite the facts necessary to the validity of its
109 issuance hereunder. No juvenile detained upon such order shall
110 be delivered over to the officer whom the court demanding him
111 shall have appointed to receive him, unless he shall first be
112 taken forthwith before a judge of a court in the state, who
113 shall inform him of the demand made for his return, and who may
114 appoint counsel or guardian ad litem for him. If the judge of
115 such court shall find that the requisition is in order, he
116 shall deliver such juvenile over to the officer whom the court
117 demanding him shall have appointed to receive him. The judge,
118 however, may fix a reasonable time to be allowed for the purpose
119 of testing the legality of the proceeding.

120 Upon reasonable information that a person is a juvenile who
121 has run away from another state party to this compact without
122 the consent of a parent, guardian, person or agency entitled
123 to his legal custody, such juvenile may be taken into custody
124 without a requisition and brought forthwith before a judge of
125 the appropriate court who may appoint counsel or guardian ad
126 litem for such juvenile and who shall determine after a hearing
127 whether sufficient cause exists to hold the person, subject to
128 the order of the court, for his own protection and welfare, for
129 such a time not exceeding ninety days as will enable his return
130 to another state party to this compact pursuant to a requisition
131 for his return from a court of that state. If, at the time
132 when a state seeks the return of a juvenile who has run away,
133 there is pending in the state wherein he is found any criminal
134 charge, or any proceeding to have him adjudicated a delinquent
135 juvenile for an act committed in such state, or if he is sus-
136 pected of having committed within such state a criminal offense

137 or an act of juvenile delinquency, he shall not be returned
138 without the consent of such state until discharged from pros-
139 ecution or other form of proceeding, imprisonment, detention
140 or supervision for such offense or juvenile delinquency. The
141 duly accredited officers of any state party to this compact,
142 upon the establishment of their authority and the identity of
143 the juvenile being returned, shall be permitted to transport
144 such juvenile through any and all states party to this compact,
145 without interference. Upon his return to the state from which
146 he ran away, the juvenile shall be subject to such further pro-
147 ceedings as may be appropriate under the laws of that state.

148 b. That the state to which a juvenile is returned under
149 this Article shall be responsible for payment of the trans-
150 portation costs of such return.

151 c. That "juvenile" as used in this Article means any per-
152 son who is a minor under the law of the state of residence of
153 the parent, guardian, person or agency entitled to the legal
154 custody of such minor.

155 ARTICLE V—Return of Escapees and Absconders

156 a. That the appropriate person or authority from whose
157 probation or parole supervision a delinquent juvenile has
158 absconded or from whose institutional custody he has escaped
159 shall present to the appropriate court or to the executive au-
160 thority of the state where the delinquent juvenile is alleged
161 to be located a written requisition for the return of such delin-
162 quent juvenile. Such requisition shall state the name and age
163 of the delinquent juvenile, the particulars of his adjudication
164 as a delinquent juvenile, the circumstances of the breach of
165 the terms of his probation or parole or of his escape from an

166 institution or agency vested with his legal custody or supervision,
167 and the location of such delinquent juvenile, if known, at the
168 time the requisition is made. The requisition shall be verified
169 by affidavit, shall be executed in duplicate, and shall be ac-
170 companied by two certified copies of the judgment, formal adju-
171 dication, or order of commitment which subjects such delinquent
172 juvenile to probation or parole or to the legal custody of the
173 institution or agency concerned. Such further affidavits and
174 other documents as may be deemed proper may be submitted with
175 such requisition. One copy of the requisition shall be filed
176 with the compact administrator of the demanding state, there
177 to remain on file subject to the provisions of law governing
178 records of the appropriate court. Upon the receipt of a requi-
179 sition demanding the return of a delinquent juvenile who has
180 absconded or escaped, the court or the executive authority to
181 whom the requisition is addressed shall issue an order to any
182 peace officer or other appropriate person directing him to take
183 into custody and detain such delinquent juvenile. Such deten-
184 tion order must substantially recite the facts necessary to the
185 validity of its issuance hereunder. No delinquent juvenile
186 detained upon such order shall be delivered over to the officer
187 whom the appropriate person or authority demanding him shall
188 have appointed to receive him, unless he shall first be taken
189 forthwith before a judge of an appropriate court in the state,
190 who shall inform him of the demand made for his return and who
191 may appoint counsel or guardian ad litem for him. If the judge
192 of such court shall find that the requisition is in order, he
193 shall deliver such delinquent juvenile over to the officer whom
194 the appropriate person or authority demanding him shall have

195 appointed to receive him. The judge, however, may fix a reason-
196 able time to be allowed for the purpose of testing the legality
197 of the proceeding.

198 Upon reasonable information that a person is a delinquent
199 juvenile who has absconded while on probation or parole, or
200 escaped from an institution or agency vested with his legal
201 custody or supervision in any state party to this compact, such
202 person may be taken into custody in any other state party to
203 this compact without a requisition. But in such event, he must
204 be taken forthwith before a judge of the appropriate court, who
205 may appoint counsel or guardian ad litem for such person and
206 who shall determine, after a hearing, whether sufficient cause
207 exists to hold the person subject to the order of the court for
208 such a time, not exceeding ninety days, as will enable his de-
209 tention under a detention order issued on a requisition pursuant
210 to this Article. If, at the time when a state seeks the return
211 of a delinquent juvenile who has either absconded while on pro-
212 bation or parole or escaped from an institution or agency vested
213 with his legal custody or supervision, there is pending in the
214 state wherein he is detained any criminal charge or any proceed-
215 ing to have him adjudicated a delinquent juvenile for an act
216 committed in such state, or if he is suspected of having commit-
217 ted within such state a criminal offense or an act of juvenile
218 delinquency, he shall not be returned without the consent of such
219 state until discharged from prosecution or other form of proceeding,
220 imprisonment, detention or supervision for such offense or juve-
221 nile delinquency. The duly accredited officers of any state
222 party to this compact, upon the establishment of their authority
223 and the identity of the delinquent juvenile being returned, shall

224 be permitted to transport such delinquent juvenile through any
225 and all states party to this compact, without interference.

226 Upon his return to the state from which he escaped or absconded,
227 the delinquent juvenile shall be subject to such further pro-
228 ceedings as may be appropriate under the laws of that state.

229 b. That the state to which a delinquent juvenile is
230 returned under this Article shall be responsible for payment
231 of the transportation costs of such return.

232 ARTICLE VI—Voluntary Return Procedure

233 That any delinquent juvenile who has absconded while on pro-
234 bation or parole, or escaped from an institution or agency
235 vested with his legal custody or supervision in any state party
236 to this compact, and any juvenile who has run away from any
237 state party to this compact, who is taken into custody without
238 a requisition in another state party to this compact under the
239 provisions of Article IV a or of Article V a, may consent to
240 his immediate return to the state from which he absconded,
241 escaped or ran away. Such consent shall be given by the juve-
242 nile or delinquent juvenile and his counsel or guardian ad litem
243 if any, by executing or subscribing a writing, in the presence
244 of a judge of the appropriate court, which states that the juve-
245 nile or delinquent juvenile and his counsel or guardian ad litem,
246 if any, consent to his return to the demanding state. Before
247 such consent shall be executed or subscribed, however, the judge,
248 in the presence of counsel or guardian ad litem, if any, shall
249 inform the juvenile or delinquent juvenile of his rights under
250 this compact. When the consent has been duly executed, it shall
251 be forwarded to and filed with the compact administrator of the
252 state in which the court is located and the judge shall direct

282 probationer or parolee in cases where the parent, guardian or
283 person entitled to the legal custody of the delinquent juvenile
284 is not a resident of the receiving state, and if so accepted
285 the sending state may transfer supervision accordingly.

286 b. That each receiving state will assume the duties of
287 visitation and of supervision over any such delinquent juvenile
288 and in the exercise of those duties will be governed by the same
289 standards of visitation and supervision that prevail for its
290 own delinquent juveniles released on probation or parole.

291 c. That, after consultation between the appropriate au-
292 thorities of the sending state and of the receiving state as
293 to the desirability and necessity of returning such a delinquent
294 juvenile, the duly accredited officers of a sending state may
295 enter a receiving state and there apprehend and retake any such
296 delinquent juvenile on probation or parole. For that purpose,
297 no formalities will be required, other than establishing the
298 authority of the officer and the identity of the delinquent ju-
299 venile to be retaken and returned. The decision of the sending
300 state to retake a delinquent juvenile on probation or parole
301 shall be conclusive upon and not reviewable within the receiving
302 state, but if, at the time the sending state seeks to retake a
303 delinquent juvenile on probation or parole, there is pending
304 against him within the receiving state any criminal charge or
305 any proceeding to have him adjudicated a delinquent juvenile
306 for any act committed in such state, or if he is suspected of
307 having committed within such state a criminal offense or an act
308 of juvenile delinquency, he shall not be returned without the
309 consent of the receiving state until discharged from prosecution
310 or other form of proceeding, imprisonment, detention or super-

311 vision for such offense or juvenile delinquency. The duly
312 accredited officers of the sending state shall be permitted to
313 transport delinquent juveniles being so returned through any
314 and all states party to this compact, without interference.

315 d. That the sending state shall be responsible under this
316 Article for paying the costs of transporting any delinquent
317 juvenile to the receiving state or of returning any delinquent
318 juvenile to the sending state.

319 ARTICLE VIII—Responsibility for Costs

320 a. That the provisions of Articles IV b, V b and VII d
321 of this compact shall not be construed to alter or affect any
322 internal relationship among the departments, agencies and officers
323 of and in the government of a party state, or between a party
324 state and its subdivisions, as to the payment of costs, or re-
325 sponsibilities therefor.

326 b. That nothing in this compact shall be construed to
327 prevent any party state or subdivision thereof from asserting
328 any right against any person, agency or other entity in regard
329 to costs for which such party state or subdivision thereof may
330 be responsible pursuant to Articles IV b, V b or VII d of this
331 compact.

332 ARTICLE IX—Detention Practices

333 That, to every extent possible, it shall be the policy of
334 states party to this compact that no juvenile or delinquent juve-
335 nile shall be placed or detained in any prison, jail or lockup
336 nor be detained or transported in association with criminal,
337 vicious or dissolute persons.

338 ARTICLE X—Supplementary Agreements

339 That the duly constituted administrative authorities of a state
340 party to this compact may enter into supplementary agreements

341 with any other state or states party hereto for the co-operative
342 care, treatment and rehabilitation of delinquent juveniles when-
343 ever they shall find that such agreements will improve the facil-
344 ities or programs available for such care, treatment and rehabil-
345 itation. Such care, treatment and rehabilitation may be provided
346 in an institution located within any state entering into such
347 supplementary agreement. Such supplementary agreements shall

- 348 1. provide the rates to be paid for the care, treatment and
349 custody of such delinquent juveniles, taking into consideration
350 the character of facilities, services and subsistence furnished;
- 351 2. provide that the delinquent juvenile shall be given a
352 court hearing prior to his being sent to another state for care,
353 treatment and custody;
- 354 3. provide that the state receiving such a delinquent juve-
355 nile in one of its institutions shall act solely as agent for
356 the state sending such delinquent juvenile;
- 357 4. provide that the sending state shall at all times retain
358 jurisdiction over delinquent juveniles sent to an institution
359 in another state;
- 360 5. provide for reasonable inspection of such institutions
361 by the sending state;
- 362 6. provide that the consent of the parent, guardian, person
363 or agency entitled to the legal custody of said delinquent juve-
364 nile shall be secured prior to his being sent to another state;
- 365 and
- 366 7. make provision for such other matters and details as
367 shall be necessary to protect the rights and equities of such
368 delinquent juveniles and of the co-operating states.

369 ARTICLE XI—Acceptance of Federal and Other Aid
370 That any state party to this compact may accept any and all
371 donations, gifts and grants of money, equipment and services
372 from any federal or any local government, or any agency thereof
373 and from any person, firm or corporation, for any of the pur-
374 poses and functions of this compact, and may receive and utilize
375 the same subject to the terms, conditions and regulations gov-
376 erning such donations, gifts and grants.

377 ARTICLE XII—Compact Administrators

378 That the governor of each state party to this compact shall
379 designate an officer who, acting jointly with like officers of
380 other party states, shall promulgate rules and regulations to
381 carry out more effectively the terms and provisions of this
382 compact.

383 ARTICLE XIII—Execution of Compact

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

389 ARTICLE XIV—Renunciation

390 That this compact shall continue in force and remain binding
391 upon each executing state until renounced by it. Renunciation
392 of this compact shall be by the same authority which executed
393 it, by sending six months' notice in writing of its intention
394 to withdraw from the compact to the other states party hereto.
395 The duties and obligations of a renouncing state under Article
396 VII hereof shall continue as to parolee and probationers re-
397 siding therein at the time of withdrawal until retaken or finally

398 discharged. Supplementary agreements entered into under Article
399 X hereof shall be subject to renunciation as provided by such
400 supplementary agreements, and shall not be subject to the six
401 months' renunciation notice of the present Article.

402 Out-of-State Confinement Amendment

403 a. Whenever the duly constituted judicial or administra-
404 tive authorities in a sending state shall determine that con-
405 finement of a probationer or reconfinement of a parolee is
406 necessary or desirable, said officials may direct that the con-
407 finement or reconfinement be in an appropriate institution for
408 delinquent juveniles within the territory of the receiving state,
409 such receiving state to act in that regard solely as agent for
410 the sending state.

411 b. Escapees and absconders who would otherwise be returned
412 pursuant to Article V of the compact may be confined or recon-
413 fined in the receiving state pursuant to this amendment. In any
414 such case the information and allegations required to be made
415 and furnished in a requisition pursuant to such Article shall
416 be made and furnished, but in place of the demand pursuant to
417 Article V, the sending state shall request confinement or recon-
418 finement in the receiving state. Whenever applicable, detention
419 orders as provided in Article V may be employed pursuant to this
420 paragraph preliminary to disposition of the escapee or absconder.

421 c. The confinement or reconfinement of a parolee, pro-
422 bationer, escapee, or absconder pursuant to this amendment shall
423 require concurrence of the appropriate judicial or adminis-
424 trative authorities of the receiving state.

425 d. As used in this amendment: (1) "sending state" means
426 sending state as that term is used in Article VII of the compact

427 or the state from which a delinquent juvenile has escaped or
428 absconded within the meaning of Article V of the compact; (2) "re-
429 ceiving state" means any state, other than the sending state, in
430 which a parolee, probationer, escapee, or absconder may be found,
431 provided that said state is a party to this amendment.

432 e. Every state which adopts this amendment shall designate
433 at least one of its institutions for delinquent juveniles as a
434 "Compact Institution" and shall confine persons therein as pro-
435 vided in paragraph a hereof unless the sending and receiving
436 state in question shall make specific contractual arrangements
437 to the contrary. All states party to this amendment shall have
438 access to "Compact Institutions" at all reasonable hours for
439 the purpose of inspecting the facilities thereof and for the
440 purpose of visiting such of said state's delinquents as may be
441 confined in the institution.

442 f. Persons confined in "Compact Institutions" pursuant
443 to the terms of this compact shall at all times be subject to
444 the jurisdiction of the sending state and may at any time be
445 removed from said "Compact Institution" for transfer to an ap-
446 propriate institution within the sending state, for return to
447 probation or parole, for discharge or for any purpose permitted
448 by the laws of the sending state.

449 g. All persons who may be confined in a "Compact Institu-
450 tion" pursuant to the provisions of this amendment shall be treat-
451 ed in a reasonable and humane manner. The fact of confinement
452 or reconfinement in a receiving state shall not deprive any per-
453 son so confined or reconfined of any rights which said person
454 would have had if confined or reconfined in an appropriate
455 institution of the sending state; nor shall any agreement to

456 submit to confinement or reconfinement pursuant to the terms of
457 this amendment be construed as a waiver of any rights which the
458 delinquent would have had if he had been confined or reconfinement
459 in any appropriate institution of the sending state except that
460 the hearing or hearings, if any, to which a parolee, probationer,
461 escapee, or absconder may be entitled (prior to confinement or
462 reconfinement) by the laws of the sending state may be had before
463 the appropriate judicial or administrative officers of the
464 receiving state. In this event, said judicial and administra-
465 tive officers shall act as agents of the sending state after
466 consultation with appropriate officers of the sending state.

467 h. Any receiving state incurring costs or other expenses
468 under this amendment shall be reimbursed in the amount of such
469 costs or other expenses by the sending state unless the states
470 concerned shall specifically otherwise agree. Any two or more
471 states party to this amendment may enter into supplementary
472 agreements determining a different allocation of costs as among
473 themselves.

474 i. This amendment shall take initial effect when entered
475 into by any two or more states party to the compact and shall
476 be effective as to those states which have specifically enacted
477 this amendment. Rules and regulations necessary to effectuate
478 the terms of this amendment may be promulgated by the appropriate
479 officers of those states which have enacted this amendment.

1 Sec. 2. In addition to any institution in which the author-
2 ities of this state may otherwise confine or order the confine-
3 ment of a delinquent juvenile, such authorities may, pursuant
4 to the out-of-state confinement amendment to the interstate
5 compact on juveniles, confine or order the confinement of a

6 delinquent juvenile in a compact institution within another
7 party state.”