



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

REFERENCES:

CHAPTER: Interstate Compact for Juveniles

AUTHORITY: KRS 15A.069

SUBJECT: Definitions

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TOTAL PAGES: 6

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APPROVAL: Carey D. Cockerell, COMMISSIONER

I. POLICY

The following definitions shall apply in the Department of Juvenile Justice Policy and Procedures Manual Chapters 1201 through 1204.

II. APPLICABILITY

This policy shall apply to all DJJ staff.

III. DEFINITIONS

- A. “Absconder” means a juvenile probationer or parolee who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.
- B. “Accused Delinquent” means a person charged with an offense that, if committed by an adult, would be a criminal offense.
- C. “Accused Status Offender” means a person charged with an offense that would not be a criminal offense if committed by an adult.
- D. “Adjudicated” means a judicial finding that a juvenile is a status offender or delinquent.
- E. “Adjudicated Delinquent” means a person found to have committed an offense that, if committed by an adult, would be a criminal offense.
- F. “Adjudicated Status Offender” means a person found to have committed an offense that would not be a criminal offense if committed by an adult.
- G. “Affidavit” means a written or printed declaration or statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.
- H. “Appropriate Authority” means the legally designated person, agency, court or other entity with the power to act, determine, or direct.

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- I. “By-laws” means those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.
- J. “Commission” means a body corporate and joint agency made up of compacting states who has the responsibility, powers and duties set forth in the Interstate Compact for Juveniles (ICJ).
- K. “Commissioner” means the voting representative of each compacting state appointed pursuant to Article III of ICJ.
- L. “Commitment” means an order by a court ordering the care, custody, and treatment of a juvenile to an agency or private or state institution maintained for such purpose.
- M. “Compact Administrator” means the individual in each compacting state appointed pursuant to the terms of ICJ, responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of ICJ, the rules adopted by the Interstate Commission and policies adopted by the State Council under ICJ.
- N. “Compact Staff” means the individuals responsible for assisting the Compact office with daily operations.
- O. “Compacting State” means any state which has enacted the enabling legislation for ICJ.
- P. “Counsel (Legal)” means a state licensed attorney either privately retained or appointed by a court of competent jurisdiction to represent a juvenile or other party to a proceeding under ICJ.
- Q. “Court” means any court having jurisdiction over delinquent, neglected, or dependent children.
- R. “Custodial Agency” means the agency which has been ordered or given authority by the appropriate court to render care, custody, and/or treatment to a juvenile.
- S. “Defaulting State” means any state that fails to perform any of its obligations or responsibilities under ICJ, the by-laws or any duly promulgated rules.
- T. “Deferred Adjudication” means a decision made by a court that withholds or defers formal judgment and stipulates terms and/or conditions of supervision.
- U. “Demanding State” means the state seeking the return of a juvenile with or without delinquency charges.
- V. “Deputy Compact Administrator” means the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of ICJ responsible for the administration and management of the state’s supervision and transfer of juveniles subject to the terms of ICJ, the rules adopted by the Interstate Commission and policies adopted by the State Council under ICJ.

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- W. “Designee” means a person who is authorized to act on behalf of the ICJ Commissioner or Administrator of any member state under the provisions of ICJ, authorized by-laws, and rules.
- X. “Escapee” means a juvenile who has made an unauthorized flight from in custody status or a facility to which the juvenile has been committed by a lawful authority.
- Y. “Executive Director” means the Commission’s principal administrator (as defined in the Compact).
- Z. “Guardian Ad Litem” means a guardian appointed by a court to represent in the interests of a party who is minor or an incompetent person.
- AA. “Hearing” means any proceeding before a judge or other appropriate authority in which issues of fact or law are to be determined, in which parties against whom proceedings are initiated have notice and a right to be heard and which may result in a final order.
- BB. “Holding State” means the state where the juvenile is located.
- CC. “Home Evaluation” means an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the juvenile and the community.
- DD. “Home State” means the state where the legal guardian or custodial agency is located.
- EE. “Interstate Commission” means the Interstate Commission for Juveniles created by Article III of this Compact.
- FF. “Interstate Compact for Juveniles (ICJ)” means the agreement pertaining to the legally authorized transfer of supervision and care, 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.
- GG. “Jurisdiction” means the authority a court has to preside over the proceeding and the power to render a decision pertaining to one or more specified offenses with which a juvenile has been charged.
- HH. “Juvenile” means any person defined as a juvenile in any member state or by the rules of the Interstate Commission.
- II. “Juvenile Sex Offender” means a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the sending state or who may be required to register as a sex offender in the sending or receiving state. Juvenile sexual offender is defined by KRS 635.505.

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- JJ. “Legal Guardian” means a parent or other person who is legally responsible for the care and management of the juvenile.
- KK. “Non-Adjudicated Juveniles” means all juveniles who are under juvenile court jurisdiction as defined by the sending state, and who have been assigned terms of supervision and are eligible for services pursuant to the provisions of the Interstate Compact for Juveniles.
- LL. “Non-Delinquent Juvenile” means any person who has not been adjudged or adjudicated delinquent.
- MM. “Non-Offender” means a person in need of supervision who has not been accused or adjudicated a status offender or delinquent and is defined by KRS 615.010.
- NN. “Notice” means advanced notification given to a party, either written or verbal, in regards to the future of an Interstate Compact for Juveniles (ICJ) case.
- OO. “Petition” means a written request to the court or other appropriate authority for an order requiring that action be taken or a decision made regarding a juvenile stating the circumstances upon which it is founded.
- PP. “Parolee” means a person who has been committed as a delinquent or a status offender or who has been conditionally released from an institutional facility or community program authorized by the jurisdictional state.
- QQ. “Physical Custody” means the detainment of a juvenile by virtue of lawful process or authority.
- RR. “Probation/Parole” means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.
- SS. “Probationer” means a person who is a status or public offender and is placed by the court in the community under supervision of an authorized agency.
- TT. “Promulgate” means to put a law or regulation into effect by formal public announcement and publication.
- UU. “Receiving State” a state to which a juvenile is sent for supervision under provision of the ICJ.
- VV. “Relocate” means when a juvenile remains in another state for more than ninety (90) consecutive days in any twelve (12) month period.
- WW. “Retaking” means the act of a sending state physically removing a juvenile, or causing to have a juvenile removed, from a receiving state.
- XX. “Requisition” means a written demand for the return of a non-delinquent runaway, probation or parole absconder, escapee, or accused delinquent.

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- YY. “Rule” means a written statement by the Interstate Commission promulgated pursuant to Article VI of ICJ that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.
- ZZ. “Runaways” means persons within the juvenile jurisdictional age limit established by the home state who have voluntarily left their residence without permission of their legal guardian or custodial agency but who may or may not have been adjudicated.
- AAA. “Residential Facility” means a staffed program that provides custodial care and supervision to juveniles.
- BBB. “Sanction” means requirement, including but not limited to detention time, imposed upon a juvenile for non-compliance with terms of supervision.
- CCC. “Secure Facility” means a facility which is approved for the holding of juveniles and is one which is either staff-secured or locked and which prohibits a juvenile in custody from leaving.
- DDD. “Sending State” means a state which has sent or is in the process of sending a juvenile to another state for supervision under the provisions of the ICJ.
- EEE. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.
- FFF. “State Committed (Parole)” means any delinquent juvenile committed to a correctional facility that is conditionally released from an institutional setting or community supervision as authorized under the law of the sending state.
- GGG. “Substantial Compliance” means sufficient compliance by a juvenile with the terms and conditions of his or her supervision so as not to result in initiation of revocation of supervision proceedings by the sending or receiving state.
- HHH. ” Supervision” means the oversight exercised by authorities of a sending or receiving state over a juvenile for a period of time determined by a court or appropriate authority, during which time the juvenile is required to report to or be monitored by appropriate authorities, and to comply with regulations and conditions, other than monetary conditions, imposed on the juvenile.
- III. “Termination” means the discharge from ICJ supervision of a juvenile probationer or parolee by the appropriate authority.
- JJJ. “Travel Permit” means the written permission granted to a juvenile authorizing travel from one state to another.

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- KKK. “Voluntary Return” means the return of a juvenile runaway, escapee, absconder, or accused delinquent who has consented to voluntarily return to the home/demanding state.
- LLL. “Warrant” means an order authorizing any law enforcement or peace officer to apprehend and detain a specified juvenile.