

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 910
HOUSE BILL 226

1 AN ACT TO ENACT THE INTERSTATE COMPACT ON JUVENILES.

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3 The General Assembly of North Carolina do enact:
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5 **Section 1.** Execution of Compact. The Governor is hereby authorized and directed
6 to execute a compact on behalf of this State with any other state or states legally joining therein
7 in the form substantially as follows: The contracting states solemnly agree:

8 Article I. Findings and Purposes.

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

24 Article II. Existing Rights and Remedies.

25 That all remedies and procedures provided by this compact shall be in addition to and not in
26 substitution for other rights, remedies and procedures, and shall not be in derogation of parental
27 rights and responsibilities.

28 Article III. Definitions.

29 That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has
30 been adjudged delinquent and who, at the time the provisions of this compact are invoked, is
31 still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction
32 or supervision of an agency or institution pursuant to an order of such court; "probation or
33 parole" means any kind of conditional release of juveniles authorized under the laws of the
34 states party hereto; "court" means any court having jurisdiction over delinquent, neglected or
35 dependent children; "State" means any state, territory or possession of the United States, the
36 District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant
37 thereof means a place at which a home or regular place of abode is maintained.

38 Article IV. Return of Runaways.

39 (a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who
40 has not been adjudged delinquent but who has run away without the consent of such parent,
41 guardian, person or agency may petition the appropriate court in the demanding state for the
42 issuance of a requisition for his return. The petition shall state the name and age of the juvenile,
43 the name of the petitioner and the basis of entitlement to the juvenile's custody, the

1 circumstances of his running away, his location if known at the time application is made, and
2 such other facts as may tend to show that the juvenile who has run away is endangering his own
3 welfare or the welfare of others and is not an emancipated minor. The petition shall be verified
4 by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of
5 the document or documents on which the petitioner's entitlement to the juvenile's custody is
6 based, such as birth certificates, letters of guardianship, or custody decrees. Such further
7 affidavits and other documents as may be deemed proper may be submitted with such petition.
8 The judge of the court to which this application is made shall hold a hearing thereon to
9 determine whether for the purposes of this compact the petitioner is entitled to the legal custody
10 of the juvenile, whether or not it appears that the juvenile has in fact run away without consent,
11 whether or not he is an emancipated minor, and whether or not it is in the best interest of the
12 juvenile to compel his return to the state. If the judge determines that the juvenile should be
13 returned, he shall present to the appropriate court or to the executive authority of the state
14 where the juvenile is alleged to be located a written requisition for the return of such juvenile.
15 Such requisition shall set forth the name and age of the juvenile, the determination of the court
16 that the juvenile has run away without the consent of a parent, guardian, person or agency
17 entitled to his legal custody, and that it is in the best interest and for the protection of such
18 juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile
19 as a delinquent, neglected or dependent juvenile is pending in the court at the time when such
20 juvenile runs away, the court may issue a requisition for the return of such juvenile upon its
21 own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal
22 custody, reciting therein the nature and circumstances of the pending proceeding. The
23 requisition shall in every case be executed in duplicate and shall be signed by the judge. One
24 copy of the requisition shall be filed with the compact administrator of the demanding state,
25 there to remain on file subject to the provisions of law governing records of such court. Upon
26 the receipt of a requisition demanding the return of a juvenile who has run away, the court or
27 the executive authority to whom the requisition is addressed shall issue an order to any peace
28 officer or other appropriate person directing him to take into custody and detain such juvenile.
29 Such detention order must substantially recite the facts necessary to the validity of its issuance
30 hereunder. No juvenile detained upon such order shall be delivered over to the officer whom
31 the court demanding him shall have appointed to receive him, unless he shall first be taken
32 forthwith before a judge of a court in the state, who shall inform him of the demand made for
33 his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court
34 shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom
35 the court demanding him shall have appointed to receive him. The judge, however, shall upon
36 request fix a reasonable time to be allowed for the purpose of testing the legality of the
37 proceeding.

38 Upon reasonable information that a person is a juvenile who has run away from another
39 state party to this compact without the consent of a parent, guardian, person or agency entitled
40 to his legal custody, such juvenile may be taken into custody without a requisition and brought
41 forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem
42 for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold
43 the person, subject to the order of the court, for his own protection and welfare, for such a time
44 not exceeding thirty (30) days as will enable his return to another state party to this compact
45 pursuant to a requisition for his return from a court of that state. If, at the time when a state
46 seeks the return of a juvenile who has run away, there is pending in the state wherein he is
47 found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for
48 an act committed in such state, or if he is suspected of having committed within such state a
49 criminal offense or an act of juvenile delinquency, he shall not be returned without the consent
50 of such state until discharged from prosecution or other form of proceeding, imprisonment,
51 detention or supervision for such offense or juvenile delinquency. The duly accredited officers

1 of any state party to this compact, upon the establishment of their authority and the identity of
2 the juvenile being returned, shall be permitted to transport such juvenile through any and all
3 states party to this compact, without interference. Upon his return to the state from which he
4 ran away, the juvenile shall be subject to such further proceedings as may be appropriate under
5 the laws of that state.

6 (b) That the state to which a juvenile is returned under this Article shall be responsible
7 for payment of the transportation costs of such return.

8 (c) That "juvenile" as used in this Article means any male 16 years of age or under and
9 any female 18 years of age or under.

10 Article V. Return of Escapees and Absconders.

11 (a) That the appropriate person or authority from whose probation or parole supervision
12 a delinquent juvenile has absconded or from whose institutional custody he has escaped shall
13 present to the appropriate court or to the executive authority of the state where the delinquent
14 juvenile is alleged to be located a written requisition for the return of such delinquent juvenile.
15 Such requisition shall state the name and age of the delinquent juvenile, the particulars of his
16 adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his
17 probation or parole or of his escape from an institution or agency vested with his legal custody
18 or supervision, and the location of such delinquent juvenile, if known, at the time the
19 requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate,
20 and shall be accompanied by two certified copies of the judgment, formal adjudication, or order
21 of commitment which subjects such delinquent juvenile to probation or parole or to the legal
22 custody of the institution or agency concerned. Such further affidavits and documents as may
23 be deemed proper may be submitted with such requisition. One copy of the requisition shall be
24 filed with the compact administrator of the demanding state, there to remain on file subject to
25 the provisions of law governing records of the appropriate court. Upon the receipt of a
26 requisition demanding the return of a delinquent juvenile who has absconded or escaped, the
27 court or the executive authority to whom the requisition is addressed shall issue an order to any
28 peace officer or other appropriate person directing him to take into custody and detain such
29 delinquent juvenile. Such detention order must substantially recite the facts necessary to the
30 validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be
31 delivered over to the officer whom the appropriate person or authority demanding him shall
32 have appointed to receive him, unless he shall first be taken forthwith before a judge of an
33 appropriate court in the state, who shall inform him of the demand made for his return and who
34 may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the
35 requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the
36 appropriate person or authority demanding him shall have appointed to receive him. The judge,
37 however, may fix a reasonable time to be allowed for the purpose of testing the legality of the
38 proceeding.

39 Upon reasonable information that a person is a delinquent juvenile who has absconded
40 while on probation or parole, or escaped from an institution or agency vested with his legal
41 custody or supervision in any state party to this compact, such person may be taken into
42 custody in any other state party to this compact without a requisition. But in such event, he
43 must be taken forthwith before a judge of the appropriate court, who may appoint counsel or
44 guardian ad litem for such person and who shall determine, after a hearing, whether sufficient
45 cause exists to hold the person subject to the order of the court for such a time, not exceeding
46 ninety (90) days, as will enable his detention under a detention order issued on a requisition
47 pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile
48 who has either absconded while on probation or parole or escaped from an institution or agency
49 vested with his legal custody or supervision, there is pending in the state wherein he is detained
50 any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act
51 committed in such state, or if he is suspected of having committed within such state a criminal

1 offense or an act of juvenile delinquency, he shall not be returned without the consent of such
2 state until discharged from prosecution or other form of proceeding, imprisonment, detention or
3 supervision for such offense or juvenile delinquency. The duly accredited officers of any state
4 party to this compact, upon the establishment of their authority and the identity of the
5 delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile
6 through any and all states party to this compact, without interference. Upon his return to the
7 state from which he escaped or absconded, the delinquent juvenile shall be subject to such
8 further proceedings as may be appropriate under the laws of that state.

9 (b) That the state to which a delinquent juvenile is returned under this Article shall be
10 responsible for the payment of the transportation costs of such return.

11 Article VI. Voluntary Return Procedure.

12 That any delinquent juvenile who has absconded while on probation or parole, or escaped
13 from an institution or agency vested with his legal custody or supervision in any state party to
14 this compact, and any juvenile who has run away from any state party to this compact, who is
15 taken into custody without a requisition in another state party to this compact under the
16 provisions of Article IV(a) or Article V(a), may consent to his immediate return to the state
17 from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or
18 delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a
19 writing, in the presence of a judge of the appropriate court, which states that the juvenile or
20 delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the
21 demanding state. Before such consent shall be executed or subscribed, however, the judge, in
22 the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent
23 juvenile of his rights under this compact. When the consent has been duly executed, it shall be
24 forwarded to and filed with the compact administrator of the state in which the court is located
25 and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to
26 deliver him to the duly accredited officer or officers of the state demanding his return, and shall
27 cause to be delivered to such officer or officers a copy of the consent. The court may, however,
28 upon the request of the state to which the juvenile or delinquent juvenile is being returned,
29 order him to return unaccompanied to such state and shall provide him with a copy of such
30 court order; in such event a copy of the consent shall be forwarded to the compact administrator
31 of the state to which said juvenile or delinquent juvenile is ordered to return.

32 Article VII. Cooperative Supervision of Probationers and Parolees.

33 (a) That the duly constituted judicial and administrative authorities of a state party to
34 this compact (herein called "sending state") may permit any delinquent juvenile within such
35 state, placed on probation or parole, to reside in any other state party to this compact (herein
36 called "receiving state") while on probation or parole, and the receiving state shall accept such
37 delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such
38 delinquent juvenile is residing or undertakes to reside within the receiving state. Before
39 granting such permission, opportunity shall be given to the receiving state to make such
40 investigations as it deems necessary. The authorities of the sending state shall send to the
41 authorities of the receiving state copies of pertinent court orders, social case studies and all
42 other available information which may be of value to and assist the receiving state in
43 supervising a probationer or parolee under this compact. A receiving state, in its discretion,
44 may agree to accept supervision of a probationer or parolee in cases where the parent, guardian
45 or person entitled to the legal custody of the delinquent juvenile is not a resident of the
46 receiving state, and if so accepted the sending state may transfer supervision accordingly.

47 (b) That each receiving state will assume the duties of visitation and of supervision over
48 any such delinquent juvenile and in the exercise of those duties will be governed by the same
49 standards of visitation and supervision that prevail for its own delinquent juveniles released on
50 probation or parole.

1 (c) That, after consultation between the appropriate authorities of the sending state and
2 of the receiving state as to the desirability and necessity of returning such a delinquent juvenile,
3 the duly accredited officers of a sending state may enter a receiving state and there apprehend
4 and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities
5 will be required, other than establishing the authority of the officer and the identity of the
6 delinquent juvenile to be retaken and returned. The decision of the sending state to retake a
7 delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within
8 the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on
9 probation or parole, there is pending against him within the receiving state any criminal charge
10 or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such
11 state or if he is suspected of having committed within such state a criminal offense or an act of
12 juvenile delinquency, he shall not be returned without the consent of the receiving state until
13 discharged from prosecution or other form of proceeding, imprisonment, detention or
14 supervision for such offense or juvenile delinquency. The duly accredited officers of the
15 sending state shall be permitted to transport delinquent juveniles being so returned through any
16 and all states party to this compact, without interference.

17 (d) That the sending state shall be responsible under this Article for paying the costs of
18 transporting any delinquent juvenile to the receiving state or of returning any delinquent
19 juvenile to the sending state.

20 Article VIII. Responsibility for Costs.

21 (a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be
22 construed to alter or affect any internal relationship among the departments, agencies and
23 officers of and in the government of a party state, or between a party state and its subdivisions,
24 as to the payment of costs, or responsibilities therefor.

25 (b) That nothing in this compact shall be construed to prevent any party state or
26 subdivision thereof from asserting any right against any person, agency or other entity in regard
27 to costs for which such party state or subdivision thereof may be responsible pursuant to
28 Articles IV(b), V(b), or VII(d) of this compact.

29 Article IX. Detention Practices.

30 That, to every extent possible, it shall be the policy of states party to this compact that no
31 juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be
32 detained or transported in association with criminal, vicious or dissolute persons.

33 Article X. Supplementary Agreements.

34 That the duly constituted administrative authorities of a state party to this compact may
35 enter into supplementary agreements with any other state or states party hereto for the
36 cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find
37 that such agreements will improve the facilities or programs available for such care, treatment
38 and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution
39 located within any state entering into such supplementary agreement. Such supplementary
40 agreements shall (1) provide the rates to be paid for the care, treatment and custody of such
41 delinquent juveniles, taking into consideration the character of facilities, services and
42 subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing
43 prior to his being sent to another state for care, treatment and custody; (3) provide that the state
44 receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the
45 state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain
46 jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for
47 reasonable inspection of such institutions by the sending state; (6) provide that the consent of
48 the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile
49 shall be secured prior to his being sent to another state; and (7) make provision for such other
50 matters and details as shall be necessary to protect the rights and equities of such delinquent
51 juveniles and of the cooperating states.

1 Article XI. Acceptance of Federal and Other Aid.

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

7 Article XII. Compact Administrators.

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

11 Article XIII. Execution of Compact.

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

16 Article XIV. Renunciation.

17 That this compact shall continue in force and remain binding upon each executing state
18 until renounced by it. Renunciation of this compact shall be by the same authority which
19 executed it, by sending six months' notice in writing of its intention to withdraw from the
20 compact to the other states party hereto. The duties and obligations of a renouncing state under
21 Article VII hereof shall continue as to parolees and probationers residing therein at the time of
22 withdrawal until retaken or finally discharged. Supplementary agreements entered into under
23 Article X hereof shall be subject to renunciation as provided by such supplementary
24 agreements, and shall not be subject to the six months' renunciation notice of the present
25 Article.

26 Article XV. Severability.

27 That the provisions of this compact shall be severable and if any phrase, clause, sentence or
28 provision of this compact is declared to be contrary to the constitution of any participating state
29 or of the United States or the applicability thereof to any government, agency, person or
30 circumstances is held invalid, the validity of the remainder of this compact and the applicability
31 thereof to any government, agency, person or circumstances shall not be affected thereby. If
32 this compact shall be held contrary to the constitution of any state participating therein, the
33 compact shall remain in full force and effect as to the remaining states and in full force and
34 effect as to the state affected as to all severable matters.

35 **Sec. 2.** Juvenile Compact Administrator. Pursuant to said compact, the Governor is
36 hereby authorized and empowered to designate an officer who shall be the compact
37 administrator and who, acting jointly with like officers of other party states, shall promulgate
38 rules and regulations to carry out more effectively the terms of the compact. Said compact
39 administrator shall serve subject to the pleasure of the Governor. The compact administrator is
40 hereby authorized, empowered and directed to cooperate with all departments, agencies and
41 officers of and in the government of this State and its subdivisions in facilitating the proper
42 administration of the compact or of any supplementary agreement or agreements entered into
43 by this State hereunder.

44 **Sec. 3.** Supplementary Agreements. The compact administrator is hereby
45 authorized and empowered to enter into supplementary agreements with appropriate officials of
46 other states pursuant to the compact. In the event that such supplementary agreement shall
47 require or contemplate the use of any institution or facility of this State or require or
48 contemplate the provision of any service by this State, said supplementary agreement shall have
49 no force or effect until approved by the head of the department or agency under whose
50 jurisdiction said institution or facility is operated or whose department or agency will be
51 charged with the rendering of such service.

1 **Sec. 4.** Financial Arrangements. The compact administrator, subject to the approval
2 of the Director of the Budget, may make or arrange for any payments necessary to discharge
3 any financial obligations imposed upon this State by the compact or by any supplementary
4 agreement entered into thereunder.

5 **Sec. 5.** Responsibilities of State Departments, Agencies and Officers. The courts,
6 departments, agencies and officers of this State and subdivisions shall enforce this compact and
7 shall do all things appropriate to the effectuation of its purposes and intent which may be within
8 their respective jurisdictions.

9 **Sec. 6.** Additional Procedures not Precluded. In addition to any procedure provided
10 in Articles IV and VI of the compact for the return of any runaway juvenile, the particular
11 states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon
12 and adopt any other plan or procedure legally authorized under the laws of this State and the
13 other respective party states for the return of any such runaway juvenile.

14 **Sec. 7.** All laws and clauses of laws in conflict with this Act are hereby repealed.

15 **Sec. 8.** This Act shall become effective July 1, 1963.

16 In the General Assembly read three times and ratified, this the 13th day of June,
17 1963.