WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 75

(By Mr. Carson, Mr. President
and Mr. Carrigan

PASSED March 7, 1963

In Effect 10 days from Passage

Filed in Office of the Secretary of State
of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eight, relating to an interstate compact on juveniles.

Be it enacted by the Legislature of West Virginia:

That chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eight, to read as follows:

Article 8. Interstate Compact on Juveniles.

Section 1. Legislative Findings and Policy.—It is hereby found and declared: (1) that juveniles who are not under proper supervision and control, or who have absconded,
4 escaped or run away, are likely to endanger their own
5 health, morals and welfare, and the health, morals and
6 welfare of others; (2) that the cooperation of this state
7 with other states is necessary to provide for the welfare
8 and protection of juveniles and of the people of this state.
9 It shall therefore be the policy of this state, in adopting
10 the interstate compact on juveniles, to cooperate fully
11 with other states: (1) in returning juveniles to such
12 other states whenever their return is sought; and (2) in
13 accepting the return of juveniles whenever a juvenile
14 residing in this state is found or apprehended in another
15 state and in taking all measures to initiate proceedings
16 for the return of such juveniles.

Sec. 2. Execution of Compact.—The governor is hereby
2 authorized and directed to execute a compact on behalf
3 of this state with any other state or states legally joining
4 therein in the form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

Article I—Findings and Purposes

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

Article II—Existing Rights and Remedies

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

Article III—Definitions

That for the purposes of this compact:

“Delinquent juvenile” means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court.

“Probation or parole” means any kind of conditional release of juveniles authorized under the laws of the states party hereto.

“Court” means any court having jurisdiction over delinquent, neglected or dependent children.
“State” means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“Residence” or any variant thereof means a place at which a home or regular place of abode is maintained.

Article IV—Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile’s custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor.

The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two
certified copies of the document or documents on which
the petitioner's entitlement to the juvenile's custody is
based, such as birth certificates, letters of guardianship,
or custody decrees. Such further affidavits and other
documents as may be deemed proper may be submitted
with such petition. The judge of the court to which this
application is made may hold a hearing thereon to de-
termine whether for the purposes of this compact the
petitioner is entitled to the legal custody of the juvenile,
whether or not it appears that the juvenile has in fact
run away without consent, whether or not he is an
emancipated minor, and whether or not it is in the best
interest of the juvenile to compel his return to the state.
If the judge determines, either with or without a hearing,
that the juvenile should be returned, he shall present to
the appropriate court or to the executive authority of the
state where the juvenile is alleged to be located a written
requisition for the return of such juvenile. Such requisi-
tion shall set forth the name and age of the juvenile,
the determination of the court that the juvenile has run
away without the consent of a parent, guardian, person
or agency entitled to his legal custody, and that it is in
the best interest and for the protection of such juvenile
that he be returned. In the event that a proceeding for
the adjudication of the juvenile as a delinquent, neglected
or dependent juvenile is pending in the court at the time
when such juvenile runs away, the court may issue a
requisition for the return of such juvenile upon its own
motion, regardless of the consent of the parent, guardian,
person or agency entitled to legal custody, reciting therein
the nature and circumstances of the pending proceeding.
The requisition shall in every case be executed in dupli-
cate and shall be signed by the judge. One copy of the
requisition shall be filed with the compact administrator
of the demanding state, there to remain on file subject
to the provisions of law governing records of such court.
Upon the receipt of a requisition demanding the return
of a juvenile who has run away, the court or the execu-
tive authority to whom the requisition is addressed shall
issue an order to any peace officer or other appropriate
person directing him to take into custody and detain such
juvenile. Such detention order must substantially recite
the facts necessary to the validity of its issuance here-
under. No juvenile detained upon such order shall be
delivered over to the officer whom the court demanding
him shall have appointed to receive him, unless he shall
first be taken forthwith before a judge of a court in the
state, who shall inform him of the demand made for
his return, and who may appoint counsel or guardian
ad litem for him. If the judge of such court shall find
that the requisition is in order, he shall deliver such juve-
nile over to the officer whom the court demanding him
shall have appointed to receive him. The judge, how-
ever, may fix a reasonable time to be allowed for the
purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile
who has run away from another state party to this com-
pact without the consent of a parent, guardian, person
or agency to his legal custody, such juvenile may be taken
into custody without a requisition and brought forthwith
before a judge of the appropriate court who may appoint
counsel or guardian ad litem for such juvenile and who
shall determine after a hearing whether sufficient cause
exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juve-
(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an
institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary
to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith be-
fore a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the
identity of the delinquent juvenile being returned, shall
be permitted to transport such delinquent juvenile
through any and all states party to this compact, without
interference. Upon his return to the state from which he
escaped or absconded, the delinquent juvenile shall be
subject to such further proceedings as may be appropriate
under the laws of that state.

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

Article VI—Voluntary Return Procedure

That any delinquent juvenile who has absconded while
on probation or parole, or escaped from an institution or
agency vested with his legal custody or supervision in any
state party to this compact, and any juvenile who has run
away from any state party to this compact, who is taken
into custody without a requisition in another state party
to this compact under the provisions of article IV (a) or
of article V (a), may consent to his immediate return to
the state from which he absconded, escaped or ran away.
Such consent shall be given by the juvenile or delinquent
juvenile and his counsel or guardian ad litem if any, by
executing or subscribing a writing, in the presence of a
judge of the appropriate court, which states that the juve-
nile or delinquent juvenile and his counsel or guardian ad
litem, if any, consent to his return to the demanding state.
Before such consent shall be executed or subscribed, how-
ever, the judge, in the presence of counsel or guardian ad
litem, if any, shall inform the juvenile or delinquent juve-
nile of his rights under this compact. When the consent
has been duly executed, it shall be forwarded to and filed
with the compact administrator of the state in which the
court is located and the judge shall direct the officer hav-
ing the juvenile or delinquent juvenile in custody to de-
deliver him to the duly accredited officer or officers of the
state demanding his return, and shall cause to be deliv-
ered to such officer or officers a copy of the consent. The
court may, however, upon the request of the state to
which the juvenile or delinquent juvenile is being re-
turned, order him to return unaccompanied to such state
and shall provide him with a copy of such court order; in
such event a copy of the consent shall be forwarded to
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32 the compact administrator of the state to which said juve-
33 nile or delinquent juvenile is ordered to return.

Article VII—Cooperative Supervision of Probationers and
Parolees

1 (a) That the duly constituted judicial and administra-
2 tive authorities of a state party to this compact (herein
3 called "sending state") may permit any delinquent juve-
4 nile within such state, placed on probation or parole, to
5 reside in any other state party to this compact (herein
6 called "receiving state") while on probation or parole,
7 and the receiving state shall accept such delinquent juve-
8 nile, if the parent, guardian or person entitled to the legal
9 custody of such delinquent juvenile is residing or under-
10 takes to reside within the receiving state. Before granting
11 such permission, opportunity shall be given to the re-
12 ceiving state to make such investigations as it deems neces-
13 sary. The authorities of the sending state shall send to
14 the authorities of the receiving state copies of pertinent
15 court orders, social case studies and all other available
16 information which may be of value to and assist the re-
17 ceiving state in supervising a probationer or parolee under
this compact. A receiving state, in its discretion, may agree
to accept supervision of a probationer or parolee in cases
where the parent, guardian or person entitled to the legal
custody of the delinquent juvenile is not a resident of the
receiving state, and if so accepted the sending state may
transfer supervision accordingly.

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

(c) That, after consultation between the appropriate
authorities of the sending state and of the receiving state
as to the desirability and necessity of returning such a
delinquent juvenile, the duly accredited officers of a send-
ing state may enter a receiving state and there apprehend
and retake any such delinquent juvenile on probation or
parole. For that purpose, no formalities will be required,
39 turned. The decision of the sending state to retake a
delinquent juvenile on probation or parole shall be con-
clusive upon and not reviewable within the receiving state,
but if, at the time the sending state seeks to retake a
delinquent juvenile on probation or parole, there is pend-
ing against him within the receiving state any criminal
charge or any proceeding to have him adjudicated a de-
linquent juvenile for any act committed in such state or
if he is suspected of having committed within such state
a criminal offense or an act of juvenile delinquency, he
shall not be returned without the consent of the receiv-
ing state until discharged from prosecution or other form
of proceeding, imprisonment, detention or supervision for
such offense or juvenile delinquency. The duly accredited
officers of the sending state shall be permitted to transport
delinquent juveniles being so returned through any and
all states party to this compact, without interference.
(d) That the sending state shall be responsible under
this article for paying the costs of transporting any de-
linquent juvenile to the receiving state or of returning
any delinquent juvenile to the sending state.
Article VIII—Responsibility for Costs

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

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

Article IX—Detention Practices

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

Article X—Supplementary Agreements

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

**Article XI—Acceptance of Federal and Other Aid**

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

**Article XII—Compact Administrators**

1 That the governor of each state party to this compact
2 shall designate an officer who, acting jointly with like offi-
3 cers of other party states, shall promulgate rules and regu-
4. lations to carry out more effectively the terms and pro-
5. visions of this compact.

**Article XIII—Execution of Compact**

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

**Article XIV—Renunciation**

1. That this compact shall continue in force and remain
2. binding upon each executing state until renounced by it.
3. Renunciation of this compact shall be by the same au-
4. thority which executed it, by sending six months' notice
5. in writing of its intention to withdraw from the compact
6. to the other states party hereto. The duties and obliga-
7. tions of a renouncing state under article VII hereof shall
8. continue as to parolees and probationers residing therein
9. at the time of withdrawal until retaken or finally dis-
10. charged. Supplementary agreements entered into under
11. article X hereof shall be subject to renunciation as pro-
vided by such supplementary agreements, and shall not 
be subject to the six months' renunciation notice of the 
present article.

Article XV—Severability

1 That the provisions of this compact shall be severable 
2 and if any phrase, clause, sentence or provision of this 
3 compact is declared to be contrary to the constitution of 
4 any participating state or of the United States or the ap-
5 plicability thereof to any government, agency, person or 
6 circumstance is held invalid, the validity of the remainder 
7 of this compact and the applicability thereof to any gov-
8 ernment, agency, person or circumstances shall not be 
9 affected thereby. If this compact shall be held contrary 
10 to the constitution of any state participating therein, the 
11 compact shall remain in full force and effect as to the 
12 remaining states and in full force and effect as to the state 
13 affected to all severable matters.

Sec. 2-a. Execution of Additional Article.—The gov-
ernor is further authorized and directed to execute, with 
any other state or states legally joining in the same, an
additional article to said compact in the form substantially as follows:

That this article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid
from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

Sec. 2-b. Execution of Amendment.—The governor is further authorized and directed to execute, with any other state or states legally joining in the same, an amendment to said compact in the form substantially as follows:

(a) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of article V and VI of the interstate compact on juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after
the filing of the petition. The requisition described in article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

Sec. 3. Juvenile Compact Administrator.—Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the will and pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state hereunder.

Sec. 4. Supplementary Agreements.—The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that
such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Sec. 5. Financial Arrangements.—The compact administrator, subject to the approval of the state auditor, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Sec. 6. Responsibilities of State Departments, Agencies and Officers.—The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.
Sec. 7. Additional Procedures Not Precluded.—In addition to any procedure provided in articles IV and VI of the compact for the return of any runaway juvenile, the particular states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this state and the other respective party states for the return of any such runaway juvenile.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. Ray Parker
Chairman Senate Committee

Ethel L. Campbell
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

D. Howard Mize
Clerk of the Senate

O. R. Finkenhiser
Clerk of the House of Delegates

Howard McHargue
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within approved this the 11th day of March, 1963.

Governor