



# INTERSTATE COMPACT FOR JUVENILES

## PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR ACCUSED DELINQUENT

NO. \_\_\_\_\_

STATE OF \_\_\_\_\_ § COURT OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_ §

IN THE MATTER OF \_\_\_\_\_ §

D.O.B. \_\_\_\_\_ §

### PETITION FOR HEARING ON REQUISITION FOR ESCAPEE, ABSCONDER, OR ACCUSED DELINQUENT

TO THE HONORABLE \_\_\_\_\_:

NOW COMES the State of \_\_\_\_\_ by and through the Compact Administrator  
(holding state)

and moves this Court to set a hearing and enter an order for the apprehension and confinement of

\_\_\_\_\_ pending his/her transfer to \_\_\_\_\_ pursuant to  
(name of juvenile) (home/demanding state)

the Interstate Compact for Juveniles ("ICJ"), and the

\_\_\_\_\_ and would show as follows:  
(holding state's statute)

#### I.

#### JURISDICTION AND VENUE

This Petition for Hearing seeks the apprehension and confinement pending transfer of

\_\_\_\_\_ to \_\_\_\_\_ pursuant to the  
(name of juvenile) (home/demanding state)

of the Interstate Compact for Juveniles ("ICJ"), the \_\_\_\_\_ and Rule § \_\_\_\_\_,  
(holding/ state's statute)

Chapter \_\_\_\_\_ of the \_\_\_\_\_ Administrative Code, if applicable.  
(holding/ state's administrative code)

The State by this Petition seeks the entry of a Court order finding in favor of the Requisition For Escapee, Absconder or Accused Delinquent filed by the State of \_\_\_\_\_ under the ICJ.  
(home/demanding state)

Venue is proper in this Court because the juvenile, \_\_\_\_\_: (check one) 1.  has been  
(name of juvenile)

found/located in \_\_\_\_\_ County/Parish with his/her \_\_\_\_\_  
(relationship)

or 2.  is being held in secure detention in this county/parish pending receipt of this requisition from  
\_\_\_\_\_ (home/ demanding state)

II.

SERVICE OF PROCESS

Defendant \_\_\_\_\_, a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention. (name of juvenile)

III.

STATEMENT OF FACTS

This action is brought by the State of \_\_\_\_\_ acting through the Compact Administrator, and arises out of the prescriptions of the Interstate Compact for Juveniles, ("ICJ"), which requires the Court to enter an Order to apprehend and later surrender (holding/ state)

\_\_\_\_\_ in \_\_\_\_\_ to local representatives of the ICJ (name of juvenile) (holding city, state) Office in \_\_\_\_\_ (home/demanding state).

This action originated in \_\_\_\_\_ when (add particulars as necessary): (home/ demanding state)

On \_\_\_\_\_, a Warrant of Apprehension was issued by the (check one) court or agency in \_\_\_\_\_. Since \_\_\_\_\_ was: (check one) 1. now residing in \_\_\_\_\_. 2. was found/located in this jurisdiction, a Requisition for Escapee, Absconder or Accused Delinquent, issued under the ICJ, was issued by the \_\_\_\_\_ authorities, seeking the return of \_\_\_\_\_ to serve out the terms of his/her (check one) probation, parole, commitment, or to have a hearing regarding the pending charges. (date) (home/demanding state) (name of juvenile)

1The Compact Administrator is charged with enforcing the Compact and has a "justiciable interest in the underlying controversy" and therefore has standing to seek mandamus relief regardless of whether the Compact Administrator is considered a party to the underlying litigation. Terrazas v. Ramirez, 829 S.W. 2d 712, 723 (Tex. 1991).

IV.

ICJ CAUSE OF ACTION

Both \_\_\_\_\_ and \_\_\_\_\_ have adopted the Interstate Compact for Juveniles ("ICJ"). See \_\_\_\_\_; and \_\_\_\_\_.

Under the authority of the ICJ, a state 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 ... where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile ... Upon receipt of the requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court shall issue an order to any such peace officer or appropriate authority directing him to take into custody and detain such delinquent juvenile...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 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.

Under the ICJ, all provisions and procedures of Article I of the ICJ shall be construed to apply to any accused delinquent by reason of a violation of any criminal law...Any accused delinquent violating any criminal law shall be returned to the requesting 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 shall be forwarded by the judge of the court in which the petition has been filed.

In the instant case, \_\_\_\_\_, a juvenile: (check one)  was not given permission to leave \_\_\_\_\_ by his/her (check one)  probation,  parole officer, or  agency, or  is alleged to have committed a criminal act in the State of \_\_\_\_\_ and fled the state. This Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from

\_\_\_\_\_ is "in order". In the instant case, the legality of \_\_\_\_\_ request for \_\_\_\_\_

the return of the juvenile is not in question, and therefore this Court should issue an Order for the return of the juvenile-without regard to the wishes of the managing conservator, legal guardian or custodial agency.

Respectfully submitted,

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(Signature)

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(Name)

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(Title)