



**CIRCUIT COURT OF THE STATE OF OREGON  
Fifteenth Judicial District**

Megan L. Jacquot  
Judge

Coos County Courthouse  
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Testimony of Megan L. Jacquot, Circuit Court Judge, Coos County  
In Support of SB 924 with amendment to accommodate ICJ  
Senate Committee on Human Services  
April 4, 2019

Hon. Chair Gelser, Vice Chair Heard and members of the Committee,

Thank you for the opportunity to address the committee this morning. I am the primary juvenile judge in Coos County and spent my career before taking the bench handling all types of juvenile law issues in many trial courts and the Oregon Appellate Courts. My testimony is my own and does not necessarily reflect the position of the Oregon Judicial Department.

I'd like to thank Senator Manning for his commitment to juvenile issues and efforts to clarify some of the juvenile code. The National Council of Juvenile and Family Court Judges has recognized that using secure detention for kids who are low risk and do not need it can be harmful to them. In the 2018 version of the Enhanced Juvenile Justice Guidelines, NCJFCJ identifies the need for a continuum of placement resources in each community to match the risk level of the child involved with the least restrictive placement that will meet the needs for child safety and community security.<sup>1</sup> The juvenile court has dual obligations to keep the community safe and care for the children within its jurisdiction. NCJFCJ has passed a resolution to support elimination of the "court order" loophole that allows status offenders and runaways to be detained despite the federal prohibition that has been in effect since 1974.

We need to devote resources to developing a continuum of placement alternatives, especially in our small communities. I have few options for placement of kids. Our shelter facility closed in late November. Our juvenile director is working very hard to get a contract in place with an adjacent county for shelter beds. We already contract with Douglas County for detention beds. I still use detention sparingly.

Except for out-of-state runaways, current Oregon law does not allow placement of status offenders in detention. It is confusing. DHS-only kids should not be in detention, ever. In-state runaways can be placed safely, even without shelter availability, by ordering DHS to file a petition and then placing them in foster care.

I do not have as many options with out-of-state runaway kids. I cannot order Oregon DHS to file a petition and place the children temporarily because we are subject to the UCCJEA (Uniform Child

Custody Jurisdiction Enforcement Act) and often there is no ability to allege jurisdiction under the dependency code for an out-of-state runaway. Oregon is a compacting state to the ICJ (Interstate Commission for Juveniles), which addresses out-of-state runaways in section 600.<sup>ii</sup> Out-state-fugitives and out-of-state runaways have due process rights. The ICJ applies after a child has been detained and cannot be returned to their home state within 24 hours. Usually, juvenile departments try to return kids promptly, but if a child is alleging that they ran away because their home is abusive the allegation cannot be investigated in 24 business hours. Once the ICJ is applied the child has a right to process including an extradition-like proceeding if they do not agree to voluntarily return to their home state after a judge explains the right to formal process and what it entails. If the child agrees to return voluntarily, the home state has five (5) days to pick up the child. If the child does not want to go voluntarily, returning the child to the home state requires a requisition from the home state, which that state has 60 days to obtain. A judge in the home state is required to establish and certify that some person or agency in the home state has the right to custody of the child. During this period before the home state comes to pick up a child voluntarily returning or is able to get a valid requisition packet, the child needs a placement. The holding state must detain runaways who are a danger to themselves or others during this period under the compact; but may place kids who are not a danger to themselves or others at a location that it deems appropriate. ICJ rule 6-102(1), 6-103(1). Once the home state furnishes a requisition packet to the holding state, the holding court is required to detain the child pending a requisition/return hearing in the holding state. ICJ rule 6-103(5). If the court orders return, the holding court can set conditions of return and can order that the concerns raised by the child be brought to the attention of authorities in the home state before the child is returned to the person or entity with custody.

SB 924 in its current form would place Oregon and its courts and judges in the untenable position of being unable to comply with both sources of law. The ICJ is enforceable against non-complying states and serves a valid and important purpose to youth. SB 924 should be amended to reflect that a court may detain an out-of-state runaway if necessary to comply with the ICJ rules when the home state of the child is another compacting state. I understand this amendment is being proposed and support it.

Thank you for your time and attention to these important issues,



Megan L. Jacquot

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<sup>i</sup> NCJFCJ Enhanced Juvenile Justice Guidelines, Ed. Jessica Pearce, 2018, Ch III, p. 26-28.

<sup>ii</sup> Interstate Commission for Juveniles, ICJ Rules, March 1, 2018. [www.juvenilecompact.org](http://www.juvenilecompact.org)