

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

STATE OF Missouri § COURT OF 29<sup>th</sup> District Court  
COUNTY OF Jasper §  
§  
IN THE MATTER OF §  
Jaime Montoya §  
D.O.B. 1-16-1987 §

**PETITION FOR HEARING ON REQUISITION FOR  
ESCAPEE, ABSCONDER, OR JUVENILE CHARGED AS DELINQUENT**

TO THE HONORABLE James Carney:  
NOW COMES the State of Missouri by and through the Compact Administrator  
(holding/asylum state)  
and moves this Court to set a hearing and enter an order for the apprehension and confinement of

Jaime Montoya pending his/her transfer to Texas pursuant to  
(name of juvenile) (home/demanding state)  
Article V or the Rendition Amendment of the Interstate Compact on Juveniles ("ICJ"), and the

RSMO 210.570-210.610 and would show as follows:  
(holding/asylum state's statute)

**I.  
JURISDICTION AND VENUE**

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

Jaime Montoya to Texas, pursuant to Article V or the Rendition Amendment  
(name of juvenile) (home demanding state)

of the Interstate Compact on Juveniles ("ICJ"), the RSMO 210.570-210.610 and Rule § 47,  
(holding/asylum state's statute)

Chapter 311 of the RSMO Administrative Code, if applicable.  
(holding/asylum 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 Juvenile Charged as Delinquent filed by the State of Texas under the ICJ.  
(home/demanding state)

Venue is proper in this Court because the juvenile, Jaime Montoya: (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  
(name)

pending receipt of this requisition from Texas.  
(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant Jaime Montoya, a juvenile, can be served with citation by advising juvenile and guardian ad litem, if appointed, while juvenile is in juvenile detention.

III.

STATEMENT OF FACTS

This action is brought by the State of Missouri acting through the Compact Administrator, and arises out of the prescriptions of the Interstate Compact on Juveniles, ("ICJ"), Article V or the Rendition Amendment thereof, which requires the Court to enter an Order to apprehend and later surrender

Jaime Montoya in Joplin, Missouri to local representatives of the ICJ

Office in Texas.

This action originated in Texas when (add particulars as necessary):

Jaime Montoya was committed to the Texas Youth Commission for Aggravated Assault on 5-15-2003 from Bexar County, Texas. On 1-25-2004, Jaime left Valley Halfway House without permission.

On 1-25-2004, a Warrant of Apprehension was issued by the court or

agency in Texas. Since Jaime Montoya was: 1. now

residing in ----- 2. found/located in this jurisdiction, a

Requisition for Escapee, Absconder or Juvenile Charged as Delinquent, issued under Article V or the

Rendition Amendment of the ICJ, was issued by the Texas authorities, seeking the

return of Jaime Montoya to serve out the terms of his/her probation,

parole, commitment, or to have a hearing regarding the pending charges.

The 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 Missouri and Texas have adopted the Interstate Compact on Juveniles ("ICJ"). See RSMO 210.570-210.610; and TFC 3-60.

Under Article V 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 person 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 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."

Under the Rendition Amendment of the ICJ, all provisions and procedures of Articles V and VI of the ICJ 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 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.

In the instant case, Jaime Montoya, a juvenile: (check one) [X] was not given permission to leave Texas by his/her (check one) [ ] probation, [ ] parole officer, or [X] 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

Texas is "in order". In the instant case, the legality of Texas' request for  
(home/demanding state) (home/demanding state's)  
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 or any parent of the juvenile.

Respectfully submitted,

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

Missouri Deputy Compact Administrator  
(Title)

