

NO. _____

STATE OF Nebraska § COURT OF Juvenile Court
COUNTY OF Lancaster §
§
IN THE MATTER OF §
Daniel Daumueller §
D.O.B. 08-05-1988 §

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

TO THE HONORABLE Sam Massey:
NOW COMES the State of Nebraska 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

Daniel Daumueller pending his/her transfer to New Mexico pursuant to
(name of juvenile) (home/demanding state)
Article V or the Rendition Amendment of the Interstate Compact on Juveniles ("ICJ"), and the
Nebraska 43:1001-1007 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

Daniel Daumueller to New Mexico, pursuant to Article V or the Rendition Amendment
(name of juvenile) (home/demandingstate)
of the Interstate Compact on Juveniles ("ICJ"), the Nebraska 43:1001-1007 and Rule § 85,
(holding/asylum state's statute)
Chapter 3 of the NAC 3156 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 New Mexico under the ICJ.
(home/demanding state)

Venue is proper in this Court because the juvenile, Daniel Daumueller: (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

New Mexico.
(home/ demanding state)

II.

SERVICE OF PROCESS

Defendant Daniel Daumueller, 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 Nebraska 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

Daniel Daumueller in Huntsville, Nebraska to local representatives of the ICJ

Office in New Mexico.

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

on 12-19-03, Daniel Daumueller allegedly committed the offense of Aggravated Assault with Intent to Cause Great Bodily Injury. On 12-23-03, an Order of Immediate Custody was issued. Subject's whereabouts were unknown.

On 12-23-03, a Warrant of Apprehension was issued by the court or agency in New Mexico. Since Daniel Daumueller was: 1. now residing in 2. was 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 New Mexico authorities, seeking the return of Daniel Daumueller to serve out the terms of his/her probation, parole, commitment, or to have a hearing regarding the pending charges.

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 Nebraska and New Mexico have adopted the Interstate Compact on Juveniles ("ICJ"). See Nebraska 43:1001-1007; and NMSA 32A-10-1.

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, Daniel Daumueller, 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 New Mexico and fled the state. This Court may hold a hearing to determine the "legality of the proceeding" and to ensure that the request from

New Mexico is "in order". In the instant case, the legality of New Mexico's 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)

/s/

(Title)

Nebraska Deputy Compact Administrator (Probation)

(Title)