



NATIONAL HEADQUARTERS  
CIVIL AIR PATROL  
UNITED STATES AIR FORCE AUXILIARY  
MAXWELL AIR FORCE BASE, ALABAMA 36112-6332

21 January 2010

MEMORANDUM FOR CAP/ED  
CAP/EX  
CAP-USAF/CC  
CAP/CC  
IN TURN

FROM: CAP/DP

SUBJECT: Comments on Change 4 to CAPR 35-3, *Membership Termination*

The draft change to CAPR 35-3 was posted on the CAP NHQ website for comments 6 Aug 09 – 5 Sep 09.

One comment was received and incorporated into the final draft:

**Paragraph 3d(1).** In some states, minors are not actually arrested or charged with crimes. It was suggested that wording be included to clearly describe what kind of action should be considered as disqualifying an individual for continued cadet membership. The following subparagraph has been included in the change:

(1) For purposes of a termination action of a minor cadet in those jurisdictions having a public policy declaring that a minor may not be treated as an adult for purposes of committing an **offense**, being **arrested**, or being **convicted**, the following terms have the following meanings:

(a) **Offense** means an act which if committed by an adult, would be a felony or misdemeanor.

(b) **Arrest** means to take into custody in the circumstances that if the minor were an adult, the minor could be arrested without a warrant, or when a juvenile court, by order endorsed on the summons or otherwise, has ordered that the minor be taken into custody.

(c) **Conviction** means adjudication by a fact finder based on findings of facts made after a due process proceeding where such findings are sufficient to conclude that the minor has committed an act which if an adult had committed the act, it would be an offense.

//signed//

SUSAN P. PARKER  
Chief, Personnel and Member Actions