

1 AN ACT relating to juvenile justice.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
4 READ AS FOLLOWS:

5 *The Department of Juvenile Justice shall, thirty (30) days after the end of each quarter*
6 *of the calendar year, report to the Criminal Justice Statistical Analysis Center created*
7 *pursuant to Section 28 of this Act data on children under supervision, which shall*
8 *include monthly population totals and a monthly breakdown by age, race, gender,*
9 *presence of a disability, the parents residing in the child's home, and type of*
10 *supervision or placement. A child shall be identified as having a disability if the child*
11 *has been admitted to Special Education in accordance with 707 KAR 1:300, is eligible*
12 *for accommodations under Section 504 of the Rehabilitation Act of 1973, or has been*
13 *identified as a child with a disability in accordance with the Individuals with*
14 *Disabilities Education Act, 20 U.S.C. secs. 1400 et seq. Race shall be reported using*
15 *current categories which satisfy the standards established by the United States Office*
16 *of Management and Budget.*

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
18 READ AS FOLLOWS:

19 *By February 1, 2018, the Department of Juvenile Justice shall submit to the Juvenile*
20 *Justice Advisory Board created pursuant to KRS 15A.065 and to the oversight council*
21 *created in KRS 15A.063 the current three (3) year plan created in accordance with the*
22 *federal Juvenile Justice and Delinquency Prevention Act to address differential*
23 *treatment in the juvenile justice system. By February 1 of each year thereafter, the*
24 *Department of Juvenile Justice shall submit the updated plan and a report describing*
25 *its progress in implementing the plan.*

26 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO
27 READ AS FOLLOWS:

1 *The Administrative Office of the Courts shall:*

2 *(1) By the end of each quarter of the calendar year, report to the Criminal Justice*
3 *Statistical Analysis Center created pursuant to Section 28 of this Act data on*
4 *children involved in the juvenile justice system, including the number of*
5 *complaints filed, diverted, and referred to court, and the number of referrals to*
6 *family accountability, intervention, and response teams established pursuant to*
7 *KRS 605.035. The report shall include monthly totals and a monthly breakdown*
8 *by age, race, gender, presence of a disability, the parents residing in the child's*
9 *home, and whether the case involved a public or status offense. Race shall be*
10 *reported using current categories which satisfy the standards established by the*
11 *United States Office of Management and Budget;*

12 *(2) By January 1, 2019, develop and submit to the Juvenile Justice Advisory Board*
13 *created pursuant to KRS 15A.065 and to the oversight council created in KRS*
14 *15A.063 a three (3) year plan to address differential treatment in the juvenile*
15 *justice system. By January 1 of each year thereafter, the Administrative Office of*
16 *the Courts shall submit an updated plan and a report describing its progress in*
17 *implementing the plan; and*

18 *(3) Develop and implement evidence-based professional development programs for*
19 *staff who interact with or who are responsible for the treatment, supervision, or*
20 *placement of children, that include training on juvenile justice research relating*
21 *to effectiveness of juvenile justice interventions, impacts of out-of-home*
22 *placement, alternatives to incarceration, use of graduated responses and*
23 *sanctions, case planning, administration of a validated risk and needs*
24 *assessment, and training to address domestic violence, trauma, implicit bias,*
25 *cultural competence, and family engagement.*

26 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
27 READ AS FOLLOWS:

1 *By January 1, 2019, the Kentucky Department of Education shall develop and submit*
2 *to the Juvenile Justice Advisory Board created pursuant to KRS 15A.065 and to the*
3 *oversight council created in KRS 15A.063 a three (3) year plan to address differential*
4 *treatment in school disciplinary systems and referrals from schools to the juvenile*
5 *justice system. By January 1 of each year thereafter, the Kentucky Department of*
6 *Education shall submit an updated plan and a report describing its progress in*
7 *implementing the plan.*

8 ➔Section 5. KRS 156.095 is amended to read as follows:

9 (1) The Kentucky Department of Education shall establish, direct, and maintain a
10 statewide program of professional development to improve instruction in the public
11 schools.

12 (2) Each local school district superintendent shall appoint a certified school employee
13 to fulfill the role and responsibilities of a professional development coordinator who
14 shall disseminate professional development information to schools and personnel.
15 Upon request by a school council or any employees of the district, the coordinator
16 shall provide technical assistance to the council or the personnel that may include
17 assisting with needs assessments, analyzing school data, planning and evaluation
18 assistance, organizing districtwide programs requested by school councils or groups
19 of teachers, or other coordination activities.

20 (a) The manner of appointment, qualifications, and other duties of the
21 professional development coordinator shall be established by Kentucky Board
22 of Education through promulgation of administrative regulations.

23 (b) The local district professional development coordinator shall participate in the
24 Kentucky Department of Education annual training program for local school
25 district professional development coordinators. The training program may
26 include, but not be limited to, the demonstration of various approaches to
27 needs assessment and planning; strategies for implementing long-term,

1 school-based professional development; strategies for strengthening teachers'
2 roles in the planning, development, and evaluation of professional
3 development; and demonstrations of model professional development
4 programs. The training shall include information about teacher learning
5 opportunities relating to the core content standards. The Kentucky Department
6 of Education shall regularly collect and distribute this information.

7 (3) The Kentucky Department of Education shall provide or facilitate optional,
8 professional development programs for certified personnel throughout the
9 Commonwealth that are based on the statewide needs of teachers, administrators,
10 and other education personnel. Programs may include classified staff and parents
11 when appropriate. Programs offered or facilitated by the department shall be at
12 locations and times convenient to local school personnel and shall be made
13 accessible through the use of technology when appropriate. They shall include
14 programs that: address the goals for Kentucky schools as stated in KRS 158.6451,
15 including reducing the achievement gaps as determined by an equity analysis of the
16 disaggregated student performance data from the state assessment program
17 developed under KRS 158.6453; engage educators in effective learning processes
18 and foster collegiality and collaboration; and provide support for staff to incorporate
19 newly acquired skills into their work through practicing the skills, gathering
20 information about the results, and reflecting on their efforts. Professional
21 development programs shall be made available to teachers based on their needs
22 which shall include but not be limited to the following areas:

- 23 (a) Strategies to reduce the achievement gaps among various groups of students
24 and to provide continuous progress;
- 25 (b) Curriculum content and methods of instruction for each content area,
26 including differentiated instruction;
- 27 (c) School-based decision making;

- 1 (d) Assessment literacy;
- 2 (e) Integration of performance-based student assessment into daily classroom
3 instruction;
- 4 (f) Nongraded primary programs;
- 5 (g) Research-based instructional practices;
- 6 (h) Instructional uses of technology;
- 7 (i) Curriculum design to serve the needs of students with diverse learning styles
8 and skills and of students of diverse cultures;
- 9 (j) Instruction in reading, including phonics, phonemic awareness,
10 comprehension, fluency, and vocabulary;
- 11 (k) Educational leadership; and
- 12 (l) Strategies to incorporate character education throughout the curriculum.
- 13 (4) The department shall assist school personnel in assessing the impact of professional
14 development on their instructional practices and student learning.
- 15 (5) The department shall assist districts and school councils with the development of
16 long-term school and district improvement plans that include multiple strategies for
17 professional development based on the assessment of needs at the school level.
- 18 (a) Professional development strategies may include, but are not limited to,
19 participation in subject matter academies, teacher networks, training institutes,
20 workshops, seminars, and study groups; collegial planning; action research;
21 mentoring programs; appropriate university courses; and other forms of
22 professional development.
- 23 (b) In planning the use of the four (4) days for professional development under
24 KRS 158.070, school councils and districts shall give priority to programs that
25 increase teachers' understanding of curriculum content and methods of
26 instruction appropriate for each content area based on individual school plans.
27 The district may use up to one (1) day to provide district-wide training and

1 training that is mandated by state or federal law. Only those employees
2 identified in the mandate or affected by the mandate shall be required to attend
3 the training.

4 (c) State funds allocated for professional development shall be used to support
5 professional development initiatives that are consistent with local school
6 improvement and professional development plans and teachers' individual
7 growth plans. The funds may be used throughout the year for all staff,
8 including classified and certified staff and parents on school councils or
9 committees. A portion of the funds allocated to each school council under
10 KRS 160.345 may be used to prepare or enhance the teachers' knowledge and
11 teaching practices related to the content and subject matter that are required
12 for their specific classroom assignments.

13 (6) (a) By August 1, 2010, the Kentucky Cabinet for Health and Family Services
14 shall post on its Web page suicide prevention awareness information, to
15 include recognizing the warning signs of a suicide crisis. The Web page shall
16 include information related to suicide prevention training opportunities
17 offered by the cabinet or an agency recognized by the cabinet as a training
18 provider.

19 (b) By September 1, 2010, and September 1 of each year thereafter, every public
20 middle and high school administrator shall disseminate suicide prevention
21 awareness information to all middle and high school students. The
22 information may be obtained from the Cabinet for Health and Family Services
23 or from a commercially developed suicide prevention training program.

24 (7) (a) The Kentucky Department of Education shall develop and maintain a list of
25 approved comprehensive evidence-informed trainings on child abuse and
26 neglect prevention, recognition, and reporting that encompass child physical,
27 sexual, and emotional abuse and neglect.

- 1 (b) The trainings shall be Web-based or in-person and cover, at a minimum, the
2 following topics:
- 3 1. Recognizing child physical, sexual, and emotional abuse and neglect;
 - 4 2. Reporting suspected child abuse and neglect in Kentucky as required by
5 KRS 620.030 and the appropriate documentation;
 - 6 3. Responding to the child; and
 - 7 4. Understanding the response of child protective services.
- 8 (c) The trainings shall include a questionnaire or other basic assessment tool upon
9 completion to document basic knowledge of training components.
- 10 (d) Each local school board shall adopt one (1) or more trainings from the list
11 approved by the Department of Education to be implemented by schools.
- 12 (e) All current school administrators, certified personnel, office staff,
13 instructional assistants, and coaches and extracurricular sponsors who are
14 employed by the school district shall complete the implemented training or
15 trainings by January 31, 2017, and then every two (2) years after.
- 16 (f) All school administrators, certified personnel, office staff, instructional
17 assistants, and coaches and extracurricular sponsors who are employed by the
18 school district hired after January 31, 2017, shall complete the implemented
19 training or trainings within ninety (90) days of being hired and then every two
20 (2) years after.
- 21 (g) Every public school shall prominently display the statewide child abuse
22 hotline number administered by the Cabinet for Health and Family Services.
- 23 (8) The Department of Education shall establish an electronic consumer bulletin board
24 that posts information regarding professional development providers and programs
25 as a service to school district central office personnel, school councils, teachers, and
26 administrators. Participation on the electronic consumer bulletin board shall be
27 voluntary for professional development providers or vendors, but shall include all

1 programs sponsored by the department. Participants shall provide the following
2 information: program title; name of provider or vendor; qualifications of the
3 presenters or instructors; objectives of the program; program length; services
4 provided, including follow-up support; costs for participation and costs of materials;
5 names of previous users of the program, addresses, and telephone numbers; and
6 arrangements required. Posting information on the bulletin board by the department
7 shall not be viewed as an endorsement of the quality of any specific provider or
8 program.

9 (9) The Department of Education shall provide training to address the characteristics
10 and instructional needs of students at risk of school failure and most likely to drop
11 out of school. The training shall be developed to meet the specific needs of all
12 certified and classified personnel depending on their relationship with these
13 students. The training for instructional personnel shall be designed to provide and
14 enhance skills of personnel to:

- 15 (a) Identify at-risk students early in elementary schools as well as at-risk and
16 potential dropouts in the middle and high schools;
- 17 (b) Plan specific instructional strategies to teach at-risk students;
- 18 (c) Improve the academic achievement of students at risk of school failure by
19 providing individualized and extra instructional support to increase
20 expectations for targeted students;
- 21 (d) Involve parents as partners in ways to help their children and to improve their
22 children's academic progress; and
- 23 (e) Significantly reduce the dropout rate of all students.

24 (10) The department shall establish teacher academies to the extent funding is available
25 in cooperation with postsecondary education institutions for elementary, middle
26 school, and high school faculty in core disciplines, utilizing facilities and faculty
27 from universities and colleges, local school districts, and other appropriate agencies

1 throughout the state. Priority for participation shall be given to those teachers who
 2 are teaching core discipline courses for which they do not have a major or minor or
 3 the equivalent. Participation of teachers shall be voluntary.

4 (11) **By January 1, 2019, the Kentucky Department of Education shall develop and**
 5 **implement evidence-based professional development programs for all certified**
 6 **personnel, school resource officers, and school security officers that include**
 7 **training on juvenile justice research relating to effectiveness of juvenile justice**
 8 **interventions, impacts of out-of-home placement, alternatives to incarceration,**
 9 **use of graduated responses and sanctions, case planning, administration of a**
 10 **validated risk and needs assessment, and training to address domestic violence,**
 11 **trauma, implicit bias, cultural competence, and family engagement.**

12 **(12)** The department shall annually provide to the oversight council established in KRS
 13 15A.063~~1~~ the information received from local schools pursuant to KRS 158.449.

14 ➔Section 6. KRS 158.441 is amended to read as follows:

15 As used in this chapter, unless the context requires otherwise:

16 (1) "Intervention services" means any preventive, developmental, corrective, supportive
 17 services or treatment provided to a student who is at risk of school failure, is at risk
 18 of participation in violent behavior or juvenile crime, or has been expelled from the
 19 school district. Services may include, but are not limited to, screening to identify
 20 students at risk for emotional disabilities and antisocial behavior; direct instruction
 21 in academic, social, problem solving, and conflict resolution skills; alternative
 22 educational programs; psychological services; identification and assessment of
 23 abilities; counseling services; medical services; day treatment; family services;
 24 work and community service programs;

25 (2) "School resource officer" means a sworn law enforcement officer who has
 26 specialized training to work with youth at a school site. The school resource officer
 27 shall be employed through a contract between a local law enforcement agency and a

1 school district **and shall be subject to training requirements of the school district;**

2 and

3 (3) "School security officer" means a person employed by a local board of education
4 who has been appointed a special law enforcement officer pursuant to KRS 61.902
5 and who has specialized training to work with youth at a school site.

6 ➔Section 7. KRS 158.444 is amended to read as follows:

7 (1) The Kentucky Board of Education shall promulgate appropriate administrative
8 regulations relating to school safety, student discipline, and related matters.

9 (2) The Kentucky Department of Education shall:

10 (a) Collaborate with the Center for School Safety in carrying out the center's
11 mission;

12 (b) Establish and maintain a statewide data collection system by which school
13 districts shall report by **age, race, gender, presence of a disability**~~[sex, race]~~,
14 and grade level:

15 1. a. All incidents of violence and assault against school employees and
16 students;

17 b. All incidents of possession of guns or other deadly weapons on
18 school property or at school functions;

19 c. All incidents of the possession or use of alcohol, prescription
20 drugs, or controlled substances on school property or at school
21 functions; and

22 d. All incidents in which a student has been disciplined by the school
23 for a serious incident, including the nature of the discipline, or
24 charged criminally for conduct constituting a violation of any
25 offense specified in KRS Chapter 508; KRS 525.070 occurring on
26 school premises, on school-sponsored transportation, or at school
27 functions; or KRS 525.080;

- 1 2. The number of arrests *on school property, at school functions, or*
 2 *relating to incidents on school property or at school functions,* the
 3 charges, *the agency, office, or person initiating the charges,* and
 4 whether civil damages were pursued by the injured party;
- 5 3. The number of suspensions, expulsions, and corporal punishments; and
- 6 4. Data required during the assessment process under KRS 158.445; ~~and~~
- 7 (c) Provide all data collected relating to this subsection to the Center for School
 8 Safety according to timelines established by the center;
- 9 *(d) By October 2019, and by October 1 of each year thereafter, report all data*
 10 *collected pursuant to this subsection and all data collected pursuant to*
 11 *Section 4 of this Act to the Criminal Justice Statistical Analysis Center*
 12 *created pursuant to Section 28 of this Act.*
- 13 (3) The Department of Education shall provide the Office of Education Accountability
 14 and the Education Assessment and Accountability Review Subcommittee with an
 15 annual statistical report of the number and types of incidents reported under
 16 subsection (2)(b) of this section. The report shall include all monthly data and
 17 cumulative data for each reporting year. Reportable incidents shall be grouped in
 18 the report in the same manner that the reportable incidents are grouped in
 19 subsection (2)(b)1. of this section. Data in the report shall be sorted by individual
 20 school district, then by individual schools within that district, and then by individual
 21 grades within each school. The report shall not contain information personally
 22 identifying any student. The reporting period shall be for an academic year, and
 23 shall be delivered no later than August 31 of each year.
- 24 (4) All personally identifiable student data collected pursuant to subsection (2)(b) of
 25 this section shall be subject to the confidentiality provisions of the Kentucky Family
 26 Education Rights and Privacy Act, KRS 160.700 to 160.730, and to the federal
 27 Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and its

1 implementing regulations.

2 (5) Parents, legal guardians, or other persons exercising custodial control or supervision
3 shall have the right to inspect or challenge the personally identifiable student
4 records as permitted under the Kentucky Family Education Rights and Privacy Act
5 and the federal Family Educational Rights and Privacy Act and implementing
6 regulations.

7 (6) Data collected under this section on an individual student committing an incident
8 reportable under subsection (2)(b)1. of this section shall be placed in the student's
9 disciplinary record.

10 **(7) Race shall be reported using current categories which satisfy the standards**
11 **established by the United States Office of Management and Budget.**

12 ➔Section 8. KRS 158.449 is amended to read as follows:

13 Each local school shall annually provide to the Department of Education, through the
14 Kentucky Department of Education's student information system, an assessment of school
15 incidents relating to disruptive behaviors resulting in a complaint, including ~~whether~~:

16 (1) **Whether** the incident involved a public offense or noncriminal misconduct;

17 (2) **Whether** the incident was reported to law enforcement or the court-designated
18 worker ~~and the charge or type of noncriminal misconduct that was the basis of the~~
19 ~~referral or report~~; ~~and~~

20 (3) **Whether** the report was initiated by a school resource officer **or school security**
21 **officer**;

22 **(4) The charge or type of noncriminal misconduct that was the basis of the referral**
23 **or report; and**

24 **(5) The age, race, and gender of the student, whether the child is eligible for free or**
25 **reduced-priced lunch, the parents residing in the child's home, and whether a**
26 **disability is present. A child shall be identified as having a disability if the child**
27 **has been admitted to Special Education in accordance with 707 KAR 1:300, is**

1 eligible for accommodations under Section 504 of the Rehabilitation Act of 1973,
 2 or has been identified as a child with a disability in accordance with the
 3 Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et seq. Race
 4 shall be reported using current categories which satisfy the standards established
 5 by the United States Office of Management and Budget.

6 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
 7 READ AS FOLLOWS:

8 The Cabinet for Health and Family Services shall:

9 (1) By the end of each quarter of the calendar year, report to the Criminal Justice
 10 Statistical Analysis Center created pursuant to Section 28 of this Act data on:

11 (a) Children in out-of-home care through the Department for Community
 12 Based Services, including the number of children entering out-of-home
 13 care in that quarter; and

14 (b) Children receiving services through the Department of Behavioral Health,
 15 Developmental and Intellectual Disabilities, which shall include monthly
 16 totals of children with mental illness or developmental or intellectual
 17 disabilities served;

18 The report shall include monthly totals and a monthly breakdown by age, race,
 19 gender, presence of a disability, the parents residing in the child's home, and type
 20 of placement. A child shall be identified as having a disability if the child has
 21 been admitted to Special Education in accordance with 707 KAR 1:300, is eligible
 22 for accommodations under Section 504 of the Rehabilitation Act of 1973, or has
 23 been identified as a child with a disability in accordance with the Individuals with
 24 Disabilities Education Act, 20 U.S.C. secs. 1400 et seq. Race shall be reported
 25 using current categories which satisfy the standards established by the United
 26 States Office of Management and Budget;

27 (2) By January 1, 2019, develop and submit to the Juvenile Justice Advisory Board

1 created pursuant to KRS 15A.065 and to the oversight council created in KRS
 2 15A.063 a three (3) year plan to address differential treatment among children
 3 receiving services from the cabinet. By January 1 of each year thereafter, the
 4 Cabinet for Health and Family Services shall submit an updated plan and a
 5 report describing its progress in implementing the plan; and
 6 (3) Develop and implement professional development programs for staff who interact
 7 with or who are responsible for the treatment of children, that include training
 8 on juvenile justice research relating to effectiveness of juvenile justice
 9 interventions, impacts of out-of-home placement, alternatives to incarceration,
 10 use of graduated responses and sanctions, case planning, administration of a
 11 validated risk and needs assessment, and training to address specific issues such
 12 as domestic violence, trauma, implicit bias, cultural competence, and family
 13 engagement.

14 ➔Section 10. KRS 605.020 is amended to read as follows:

- 15 (1) Standards for the employment of court-designated workers shall be set by the
 16 Administrative Office of the Courts.
- 17 (2) If the Administrative Office of the Courts contracts with a public agency for the
 18 provision of the court-designated worker or workers, the contract shall specify that
 19 it is for the services, in part or in whole, of named personnel of that agency and no
 20 others. Personnel of a public agency under contract to the Administrative Office of
 21 the Courts selected as court-designated workers shall be selected in the manner set
 22 forth in the contract by and between the public agency and the Administrative
 23 Office of the Courts; shall be under the control of the Administrative Office of the
 24 Courts and the court to which they are assigned; and shall be subject to the same
 25 powers, duties, and restrictions as are court-designated workers employed by the
 26 Administrative Office of the Courts.
- 27 (3) Court-designated workers, whether employed by the Administrative Office of the

1 Courts or by a public agency under contract to the Administrative Office of the
2 Courts, may be disciplined or removed from the position of court-designated worker
3 in the manner specified in the:

4 (a) Personnel policies for employees of the Administrative Office of the Courts or
5 the personnel policies of the contract agencies as approved by the
6 Administrative Office of the Courts; and

7 (b) Contract by and between the public agency and the Administrative Office of
8 the Courts.

9 (4) The Administrative Office of the Courts shall not contract with private
10 corporations, persons, or agencies for the services of court-designated workers.

11 (5) The Administrative Office of the Courts shall provide training to all court-
12 designated workers in:

13 (a) The administration of evidence-based screening instruments and, for some
14 workers as appropriate, the administration of risk and needs assessments;

15 (b) Identification of appropriate services for children and families;

16 (c) Techniques for diversion agreement implementation and supervision;

17 (d) Identifying and understanding the issues that led to the filing of a complaint,
18 which may include recognition of signs of trauma, disability, behavioral,
19 mental health, or substance abuse issues, in order to determine appropriate
20 referrals; and

21 (e) Juvenile justice research, best practices, and any other subject deemed
22 appropriate and available.

23 (6) (a) The Administrative Office of the Courts shall collect and track data, and
24 provide an annual report to the oversight council created in KRS 15A.063
25 containing the following information:

26 1. The number and type of complaints received by each court-designated
27 worker, *including a breakdown by age, race, gender, presence of a*

- 1 **disability, and the parents residing in the child's home;**
- 2 2. The outcome of each complaint, including whether a referral was made
- 3 to the county attorney or the Department for Community Based
- 4 Services, **and a breakdown by age, race, gender, presence of a**
- 5 **disability, and the parents residing in the child's home;**
- 6 3. The number of children committed to the Department for Community
- 7 Based Services pursuant to KRS Chapter 620 who were originally
- 8 charged with status offenses under KRS Chapter 630 or whose cases
- 9 were amended from status to dependency, neglect, and abuse, **including**
- 10 **a breakdown by age, race, gender, presence of a disability, and the**
- 11 **parents residing in the child's home;** and
- 12 4. Whether a child who successfully completed a diversion agreement was,
- 13 within one (1) year following completion of the agreement, adjudicated
- 14 a public offender or convicted in ~~an~~^{the} adult court of a criminal
- 15 offense, **including a breakdown by age, race, gender, presence of a**
- 16 **disability, and the parents residing in the child's home.**
- 17 (b) Personally identifiable information of the court-designated worker shall not be
- 18 provided but shall be retained by the Administrative Office of the Courts to
- 19 address the need for additional staff training or other appropriate action.
- 20 (7) The Administrative Office of the Courts shall develop a graduated response
- 21 protocol, consisting of a continuum of responses from the least restrictive to the
- 22 most restrictive, for court-designated workers to utilize in response to violations of
- 23 the terms of a diversion agreement.
- 24 (8) The Administrative Office of the Courts shall collaborate with the Justice and
- 25 Public Safety Cabinet and provide technical assistance to judicial districts in
- 26 implementing the fiscal incentive program established in KRS 15A.062.
- 27 (9) The Administrative Office of the Courts shall act as the fiscal agent to receive funds

1 awarded pursuant to KRS 15A.062.

2 (10) The Administrative Office of the Courts shall, by regulation, establish a form
3 ~~[complaint]~~ to be used in filing all complaints with the court-designated worker.
4 The form shall contain the requirements of KRS 610.020, and if the complaint is
5 filed by a school district, shall require that the director of pupil personnel state that
6 he or she documented the home conditions of the student and the intervention
7 strategies attempted, as required by KRS 159.140, and that he or she attempted to
8 conduct a conference with the child and a parent.

9 ➔Section 11. KRS 15.334 is amended to read as follows:

10 (1) The Kentucky Law Enforcement Council shall approve mandatory training subjects
11 to be taught to all students attending a law enforcement basic training course that
12 include but are not limited to:

13 (a) Abuse, neglect, and exploitation of the elderly and other crimes against the
14 elderly, including the use of multidisciplinary teams in the investigation and
15 prosecution of crimes against the elderly;

16 (b) The dynamics of domestic violence, pediatric abusive head trauma, as defined
17 in KRS 620.020, child physical and sexual abuse, and rape; child
18 development; the effects of abuse and crime on adult and child victims,
19 including the impact of abuse and violence on child development; legal
20 remedies for protection; lethality and risk issues; profiles of offenders and
21 offender treatment; model protocols for addressing domestic violence, rape,
22 pediatric abusive head trauma, as defined in KRS 620.020, and child abuse;
23 available community resources and victim services; and reporting
24 requirements. This training shall be developed in consultation with legal,
25 victim services, victim advocacy, and mental health professionals with
26 expertise in domestic violence, child abuse, and rape. Training in recognizing
27 pediatric abusive head trauma may be designed in collaboration with

1 organizations and agencies that specialize in the prevention and recognition of
 2 pediatric abusive head trauma approved by the secretary of the Cabinet for
 3 Health and Family Services;

4 (c) Human immunodeficiency virus infection and acquired immunodeficiency
 5 virus syndrome;

6 (d) Identification and investigation of, responding to, and reporting bias-related
 7 crime, victimization, or intimidation that is a result of or reasonably related to
 8 race, color, religion, sex, or national origin;

9 (e) The characteristics and dynamics of human trafficking, state and federal laws
 10 relating to human trafficking, the investigation of cases involving human
 11 trafficking, including but not limited to screening for human trafficking, and
 12 resources for assistance to the victims of human trafficking;

13 (f) Evidence-based training on juvenile justice research relating to
 14 effectiveness of juvenile justice interventions, impacts of out-of-home
 15 placement, alternatives to incarceration, use of graduated responses and
 16 sanctions, case planning, administration of a validated risk and needs
 17 assessment, and training to address domestic violence, trauma, implicit bias,
 18 cultural competence, and family engagement; and

19 ~~(g)~~~~(f)~~ Beginning January 1, 2017, the council shall require that a law
 20 enforcement basic training course include at least eight (8) hours of training
 21 relevant to sexual assault.

22 (2) (a) The council shall develop and approve mandatory professional development
 23 training courses to be presented to all certified peace officers. A mandatory
 24 professional development training course shall be first taken by a certified
 25 peace officer in the training year following its approval by the council and
 26 biennially thereafter. A certified peace officer shall be required to take these
 27 courses no more than two (2) times in eight (8) years.

- 1 (b) Beginning January 1, 2011, the council shall require that one and one-half
2 (1.5) hours of professional development covering the recognition and
3 prevention of pediatric abusive head trauma be included in the curriculum of
4 all mandatory professional development training courses such that all officers
5 shall receive this training at least once by December 31, 2013. The one and
6 one-half (1.5) hours required under this section shall be included in the current
7 number of required continuing education hours.
- 8 (c) Beginning January 1, 2017, the council shall establish a forty (40) hour sexual
9 assault investigation training course. By January 1, 2019, agencies shall have
10 one (1) or more officers trained in this curriculum, as follows:
- 11 1. Agencies with five (5) or fewer officers shall have at least one (1) officer
12 trained in sexual assault investigation;
 - 13 2. Agencies with more than five (5) officers but fewer than thirty (30)
14 officers shall have at least two (2) officers trained in sexual assault
15 investigation; and
 - 16 3. Agencies with thirty (30) or more officers shall have at least four (4)
17 officers trained in sexual assault investigation.
- 18 (3) The Justice and Public Safety Cabinet shall provide training on the subjects of
19 domestic violence and abuse and may do so utilizing currently available technology.
20 All certified peace officers shall be required to complete this training at least once
21 every two (2) years.
- 22 (4) The council shall promulgate administrative regulations in accordance with KRS
23 Chapter 13A to establish mandatory basic training and professional development
24 training courses.
- 25 (5) The council shall make an annual report by December 31 each year to the
26 Legislative Research Commission that details the subjects and content of mandatory
27 professional development training courses established during the past year and the

1 subjects under consideration for future mandatory training.

2 ➔Section 12. KRS 17.110 is amended to read as follows:

3 (1) All city and county law enforcement agencies shall cause a photograph, a set of
4 fingerprints, and a general description report of all persons arrested on a felony
5 charge to be made and two (2) copies of each item forwarded within thirty (30) days
6 after the arrest to the Department of Kentucky State Police of the Justice and Public
7 Safety Cabinet, in accordance with administrative regulations of the cabinet. Unless
8 the charges are dismissed or withdrawn at that appearance, the judge shall require
9 any adult person appearing before any Circuit Court in the Commonwealth on a
10 felony charge, who has not been arrested, to, if this has not already been done in the
11 case before the court, be photographed and fingerprinted, and have a general
12 description made following his arraignment. Agencies specified above shall furnish
13 any other information involving offenses or in their possession relative to law
14 enforcement upon request by the cabinet.

15 (2) Each city and county law enforcement agency shall advise the Department of
16 Kentucky State Police of the disposition made of all cases wherein a person has
17 been charged with an offense.

18 **(3) Each city and county law enforcement agency and the department shall advise**
19 **the appropriate school district when a child is taken into custody or a complaint**
20 **is filed against a child for acts committed on school property or at school**
21 **functions.**

22 ➔Section 13. KRS 605.130 is amended to read as follows:

23 In addition to the other duties, functions, and responsibilities imposed by law, the cabinet,
24 through its authorized representatives, shall have general supervision and management of
25 all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:

26 (1) Locate and plan for all children who are dependent, neglected, or abused;

27 (2) Cooperate with and assist the courts of the various counties;

- 1 (3) Assist Circuit Courts through services to children whenever requested by the court.
 2 The cabinet may charge a reasonable fee for such services to be taxed as costs by
 3 the court;
- 4 (4) Assess all referrals received from a court-designated worker, pursuant to direction
 5 from the family accountability, intervention, and response team, to determine
 6 whether a basis exists to file a dependency, neglect, or abuse petition;
- 7 (5) Track and report to the oversight council created in KRS 15A.063 the number of
 8 referrals received, the number of investigations made upon those referrals, ~~and~~ the
 9 number and type of petitions filed in response, **including a breakdown by age,**
 10 **race, gender, presence of a disability, and the parents residing in the child's**
 11 **home;**
- 12 (6) Identify all youth who have status offense charges and are committed or probated to
 13 the cabinet and report the number of committed and probated youth to the oversight
 14 council created in KRS 15A.063, **including a breakdown by age, race, gender,**
 15 **presence of a disability, and the parents residing in the child's home;** and
- 16 (7) Perform such other services as may be deemed necessary for the protection of
 17 children.
- 18 ➔Section 14. KRS 15A.220 is amended to read as follows:
- 19 (1) Each person or organization operating a facility shall register with the Department
 20 of Juvenile Justice and shall comply with the regulations issued pursuant to KRS
 21 15A.210.
- 22 (2) Each organization operating or seeking to operate or expand a facility shall:
- 23 (a) Apply to the Department of Juvenile Justice in a period of time set by
 24 administrative regulation prior to the scheduled opening of the facility;
- 25 (b) Permit inspection of the facility by the Department of Juvenile Justice not less
 26 than thirty (30) days prior to the scheduled opening of the facility;~~and~~
- 27 (c) Supply to the Department of Juvenile Justice not less than thirty (30) days

1 prior to the scheduled opening of the facility all data, plans, and other
2 materials required by the Department of Juvenile Justice; and

3 (d) Report to the Department of Juvenile Justice data on children under
4 supervision, which shall include monthly population totals and a monthly
5 breakdown by age, race, gender, presence of a disability, and the parents
6 residing in the child's home. A child shall be identified as having a
7 disability if the child has been admitted to Special Education in accordance
8 with 707 KAR 1:300, is eligible for accommodations under Section 504 of
9 the Rehabilitation Act of 1973, or has been identified as a child with a
10 disability in accordance with the Individuals with Disabilities Education
11 Act, 20 U.S.C. secs. 1400 et seq. Race shall be reported using current
12 categories which satisfy the standards established by the United States
13 Office of Management and Budget.

14 (3) No facility shall operate except with the approval of the Department of Juvenile
15 Justice.

16 (4) The Department of Juvenile Justice shall have the authority, upon thirty (30) days'
17 written notice to the county judge/executive and jailer of any county that operates a
18 juvenile detention facility and is located within an area served by a state-operated
19 juvenile detention facility, to decertify any juvenile detention facility and that
20 facility shall, at the expiration of the thirty (30) day period, cease detaining
21 juveniles.

22 ➔Section 15. KRS 15A.305 is amended to read as follows:

23 (1) The Department of Juvenile Justice shall, with available funds, develop and
24 administer a statewide detention program and, as each regional facility is
25 constructed and ready for occupancy, shall, within appropriation limitations,
26 provide for:

27 (a) The operation of preadjudication detention facilities for children charged with

- 1 public offenses; and
- 2 (b) The operation of postadjudication detention facilities for children adjudicated
3 delinquent or found guilty of public offenses.
- 4 (2) In each region in which the Department of Juvenile Justice operates or contracts for
5 the operation of a detention facility, the department shall, within appropriation
6 limitations, develop and administer a program for alternatives to secure detention
7 that shall provide for:
- 8 (a) The operation of or contracting for the operation of preadjudication
9 alternatives to secure detention and follow-up programs for juveniles who are
10 before the court or who enter ~~pretrial~~ diversion agreements or informal
11 adjustment programs; and
- 12 (b) The operation of or contracting for the operation of postadjudication
13 alternatives to secure detention and follow-up programs, including but not
14 limited to community-based programs, mentoring, counseling, and other
15 programs designed to limit the unnecessary use of secure detention and ensure
16 public safety.
- 17 (3) The department shall develop and implement a system to immediately notify the
18 Cabinet for Health and Family Services when a status offender or child alleged to be
19 a status offender has been detained for the alleged violation of a valid court order.
- 20 (4) The department may, except as provided in KRS 635.060, charge counties,
21 consolidated local governments, and urban-county governments a per diem not to
22 exceed ninety-four dollars (\$94) for lodging juveniles in state-owned or contracted
23 facilities.
- 24 (5) Detention rates charged by contracting detention facilities shall not exceed the rate
25 in effect on July 1, 1997, subject to increases approved by the department.
- 26 (6) No juvenile detention facility, as defined in KRS 15A.200, shall be taken over,
27 purchased, or leased by the Commonwealth without prior approval of the fiscal

1 court upon consultation with the jailer in the county where the facility is located.
2 The county, upon consultation with the jailer, may enter into contracts with the
3 Commonwealth for the holding, detention, and transportation of juveniles.

4 ➔Section 16. KRS 15A.0652 is amended to read as follows:

5 The Department of Juvenile Justice shall promulgate administrative regulations that shall
6 include:

- 7 (1) Development or adoption of a validated risk and needs assessment that:
- 8 (a) Considers factors such as the severity of the current offense, the child's
9 previous public offense record, and the child's assessed criminal risk factors;
- 10 (b) Is administered for all children adjudicated on a public offense prior to
11 disposition and at regular intervals thereafter to determine risk levels and to
12 identify intervention needs; and
- 13 (c) Is implemented based on policies and practices for utilization of the
14 assessment instrument to objectively guide placement and the length and type
15 of treatment for each child committed to the department or probated to the
16 department or other entity;
- 17 (2) The provision of treatment for committed and probated children in accordance with
18 evidence-based practices, including, at a minimum:
- 19 (a) Development of a case plan for each child committed to the department or
20 probated to the department that targets the risk factors identified in the
21 assessment, is responsive to individual characteristics, involves the family as
22 appropriate, provides supervision or monitoring of children according to their
23 case plan, and establishes a treatment plan in accordance with subsection (3)
24 of this section; and
- 25 (b) Development and implementation of a graduated sanctions protocol of swift,
26 certain, proportionate, and graduated sanctions that a probation officer or
27 employee of the department shall apply in response to a child's violations of

- 1 the terms or conditions of probation. The graduated sanctions protocol shall:
- 2 1. Include a continuum of sanctions that take into account factors such as
- 3 the severity of the current violation, the child's previous criminal record,
- 4 the number and severity of any previous probation violations, the child's
- 5 assessed risk level, and the extent to which graduated sanctions were
- 6 imposed for previous violations. The system shall also define positive
- 7 reinforcements that the probated child may receive for compliance with
- 8 his or her terms or conditions of probation. A sanction of up to thirty
- 9 (30) days' out-of-home placement may be imposed for a violation of the
- 10 terms of probation. A child shall not be committed or recommitted to the
- 11 Department of Juvenile Justice for the violation of the conditions of
- 12 probation;
- 13 2. Provide that judicial review for a probated youth, or an administrative
- 14 hearing for a committed youth, shall not be necessary to impose
- 15 graduated sanctions less than out-of-home placement; and
- 16 3. Require that less-restrictive graduated sanctions be utilized prior to
- 17 requesting judicial review unless there is clear and convincing evidence
- 18 that there are no graduated sanctions available that are appropriate for
- 19 the child and the child is an immediate threat to himself, herself, or
- 20 others;
- 21 (3) Development and implementation of treatment plans for committed and probated
- 22 children that:
- 23 (a) Take into consideration the severity of the current offense and the child's
- 24 assessed risk and needs as identified by a validated risk and needs assessment;
- 25 (b) Involve the family in the treatment plan as appropriate;
- 26 (c) Allow a child to complete treatment in the community if resources are
- 27 available rather than in a secure or nonsecure facility; and

- 1 (d) For committed children may include:
- 2 1. A maximum of four (4) months of out-of-home placement if the child
- 3 was adjudicated for an offense that would be a misdemeanor if
- 4 committed by an adult, other than a violation of KRS Chapter 510 or an
- 5 offense involving a deadly weapon;
- 6 2. A maximum of eight (8) months of out-of-home placement if the child
- 7 was adjudicated for an offense that would be a Class D felony if
- 8 committed by an adult, other than a violation of KRS Chapter 510 or an
- 9 offense involving a deadly weapon; and
- 10 3. A provision that if a child has reached the maximum time allowed in
- 11 out-of-home placement, as specified in subparagraphs 1. and 2. of this
- 12 paragraph and further out-of-home placement is determined to be
- 13 necessary for completion of treatment, the child may be held for an
- 14 additional period only upon approval of the Administrative Transfer
- 15 Request Committee, or another appropriate entity within the department
- 16 as designated by the commissioner of the department after review of the
- 17 facts and circumstances warranting the need for continued out-of-home
- 18 placement. If the commissioner approves continued out-of-home
- 19 placement, the maximum time the placement may be continued is the
- 20 maximum originally allowed under subparagraphs 1. and 2. of this
- 21 paragraph and the total period of commitment shall not exceed that
- 22 permitted under KRS 635.060;
- 23 (4) Development and implementation of professional development programs for
- 24 department staff who interact with or who are responsible for the treatment,
- 25 supervision, or placement of children, that includes training on juvenile justice
- 26 research relating to effectiveness of juvenile justice interventions, impacts of out-of-
- 27 home placement, alternatives to incarceration, use of graduated sanctions, case

1 planning, administration of a validated risk and needs assessment, and training to
2 address specific issues such as domestic violence, trauma, *implicit bias, cultural*
3 *competence*, and family engagement;

4 (5) Development of procedures for measuring the outcomes of each treatment and
5 intervention program and practice to demonstrate that the program or practice has a
6 documented evidence base and has been evaluated for effectiveness in reducing
7 recidivism for the children it serves, including:

8 (a) A process for reviewing the objective criteria for evidence-based programs
9 and practices established by the agency providing the program;

10 (b) A process for auditing the effectiveness of the programs; and

11 (c) An opportunity for programs that do not meet the criteria based on the audit
12 results to develop and implement a corrective action plan within one hundred
13 eighty (180) days of the audit;

14 (6) Development of procedures to track juvenile recidivism, which shall include
15 adjudication of a new public offense or conviction of a crime within three (3) years
16 of release from an out-of-home placement or release from commitment, and
17 collaboration with the Department of Corrections and the Administrative Office of
18 the Courts to obtain adult conviction and incarceration information to enable
19 collection of recidivism data;

20 (7) Development of procedures to track the pre-adjudication and post-adjudication
21 admissions beginning no later than August 1, 2014; and

22 (8) Development of procedures to ensure maximum utilization of available federal
23 funding resources which may be available to the agency.

24 As used in this section, "evidence-based practices," "graduated sanction," "out-of-home
25 placement," and "risk and needs assessment" have the same meanings as in KRS 600.020.

26 ➔Section 17. KRS 610.030 is amended to read as follows:

27 Except as otherwise provided in KRS Chapters 600 to 645:

- 1 (1) If any person files a complaint alleging that a child, except a child alleged to be
2 neglected, abused, dependent or mentally ill who is subject to the jurisdiction of the
3 court, may be within the purview of KRS Chapters 600 to 645, the court-designated
4 worker shall make a preliminary determination as to whether the complaint is
5 complete. In any case where the court-designated worker finds that the complaint is
6 incomplete, the court-designated worker shall return the complaint without delay to
7 the person or agency originating the complaint or having knowledge of the facts, or
8 to the appropriate law enforcement agency having investigative jurisdiction of the
9 offense, and request additional information in order to complete the complaint. The
10 complainant shall promptly furnish the additional information requested;
- 11 (2) (a) Upon receipt of a complaint which appears to be complete and which alleges
12 that a child has committed a public offense, the court-designated worker shall
13 refer the complaint to the county attorney for review pursuant to KRS
14 635.010.
- 15 (b) If after review the county attorney elects to proceed, the court-designated
16 worker shall conduct a preliminary intake inquiry to recommend whether the
17 interests of the child or the public require that further action be taken or
18 whether, in the interest of justice, the complaint can be resolved informally
19 without the filing of a petition;
- 20 (3) Upon receipt of a complaint that appears to be complete and that alleges that the
21 child has committed a status offense, the court-designated worker shall conduct a
22 preliminary intake inquiry to determine whether the interests of the child or the
23 public require that further action be taken *pursuant to subsection (6)(a) of this*
24 *section*;
- 25 (4) Prior to conducting a preliminary intake inquiry, the court-designated worker shall
26 notify the child and the child's parent, guardian, or other person exercising custodial
27 control or supervision of the child in writing:

- 1 (a) Of their opportunity to be present at the preliminary intake inquiry;
- 2 (b) That they may have counsel present during the preliminary intake inquiry as
- 3 well as the formal conference thereafter;
- 4 (c) 1. That all information supplied by the child to a court-designated worker
- 5 during any process prior to the filing of the petition shall be deemed
- 6 confidential and shall not be subject to subpoena or to disclosure
- 7 without the written consent of the child.
- 8 2. Information may be shared between treatment providers, the court-
- 9 designated worker, and the family accountability, intervention, and
- 10 response team to enable the court-designated worker to facilitate
- 11 services and facilitate compliance with the diversion agreement; and
- 12 (d) That the child has the right to deny the allegation and demand a formal court
- 13 hearing;
- 14 (5) The preliminary intake inquiry shall include the administration of an evidence-based
- 15 screening tool and, if appropriate and available, a validated risk and needs
- 16 assessment, in order to identify whether the child and his or her family are in need
- 17 of services and the level of intervention needed;
- 18 (6) Upon the completion of the preliminary intake inquiry, the court-designated worker
- 19 may:
- 20 (a) If the complaint alleges a status offense, determine that no further action be
- 21 taken subject to review by the family accountability, intervention, and
- 22 response team;
- 23 (b) If the complaint alleges a public offense, refer the complaint to the county
- 24 attorney;
- 25 (c) Refer a public offense complaint for informal adjustment; or
- 26 (d) Based upon the results of the preliminary intake inquiry, other information
- 27 obtained, and a determination that the interests of the child and the public

1 would be better served, and with the written approval of the county attorney
2 for a public offense complaint, if necessary, conduct a formal conference and
3 enter into a diversion agreement;

4 (7) Upon receiving written approval of the county attorney, if necessary, to divert a
5 public offense complaint, and prior to conducting a formal conference, the court-
6 designated worker shall advise in writing the complainant, the victim if any, and the
7 law enforcement agency having investigative jurisdiction of the offense:

8 (a) Of the recommendation and the reasons therefor and that the complainant,
9 victim, or law enforcement agency may submit within ten (10) days from
10 receipt of such notice a complaint to the county attorney for special review; or

11 (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact
12 that the child was statutorily entitled to divert the case;

13 (8) A formal conference shall include the child and his or her parent, guardian, or other
14 person exercising custodial control or supervision. The formal conference shall be
15 used to:

16 (a) Present information obtained at the preliminary intake inquiry; and

17 (b) Develop a diversion agreement that shall require that the child regularly attend
18 school, shall not exceed six (6) months in duration, and may include:

19 1. Referral of the child, and family if appropriate, to a public or private
20 entity or person for the provision of identified services to address the
21 complaint or assessed needs;

22 2. Referral of the child, and family if appropriate, to a community service
23 program within the limitations provided under KRS 635.080(2);

24 3. Restitution, limited to the actual pecuniary loss suffered by the victim, if
25 the child has the means or ability to make restitution;

26 4. Notification that the court-designated worker may apply graduated
27 sanctions for failure to comply with the diversion agreement;

- 1 5. Any other program or effort which reasonably benefits the community
2 and the child; and
- 3 6. A plan for monitoring the child's progress and completion of the
4 agreement;
- 5 (9) (a) If a child successfully completes a diversion agreement, the underlying
6 complaint shall be dismissed and further action related to that complaint shall
7 be prohibited.
- 8 (b) If a child fails to appear for a preliminary intake inquiry, declines to enter into
9 a diversion agreement, or fails to complete a diversion agreement, then:
- 10 1. For a public offense complaint, the matter shall be referred to the county
11 attorney for formal court action and, if a petition is filed, the child may
12 request that the court dismiss the complaint based upon his or her
13 substantial compliance with the terms of the diversion agreement; and
- 14 2. For a status offense complaint, the court-designated worker shall refer
15 the matter to the family accountability, intervention, and response team
16 for review and further action;
- 17 (10) If a complaint is referred to the court, the complaint and findings of the court-
18 designated worker's preliminary intake inquiry shall be submitted to the court for
19 the court to determine whether process should issue; and
- 20 (11) At any stage in the proceedings described in this section, the court or the county
21 attorney may review any decision of the court-designated worker. The court upon its
22 own motion or upon written request of the county attorney may refer any complaint
23 for a formal hearing.
- 24 ➔Section 18. KRS 610.105 is amended to read as follows:
- 25 (1) Upon the court's motion or the motion of any party, following notice to the county
26 attorney, an informal adjustment may be made at any time during the proceedings
27 and with the victim and with those persons specified in KRS 610.070 having prior

1 notification of the motion.

2 (2) An informal adjustment does not require adjudication of the case. If an adjudication
3 has occurred, the court shall dismiss the case following successful completion under
4 subsection (3) of this section.

5 (3) If the court orders an informal adjustment, the order may include any of the
6 following:

7 (a) Referral of the case to diversion, or to a program designed to hold the child
8 accountable, to secure services as appropriate for the best interests of the
9 child, and to provide redress for the child's behavior.~~[diversion, but,]~~ If the
10 child does not successfully complete the terms of the diversion or program,
11 the case shall not be dismissed as a result ~~[of the diversion]~~ but shall be
12 returned to court; or

13 (b) Placement of the child on community supervision or monitoring by the court
14 under the informal adjustment with additional conditions as determined
15 appropriate by the court for a period not to exceed six (6) months.

16 ➔Section 19. KRS 635.010 is amended to read as follows:

17 (1) The county attorney shall cause a review to be made of each complaint alleging that
18 a public offense has been committed. The purpose of this review shall be to
19 determine from the available evidence whether there are reasonable grounds to
20 believe that the alleged facts would constitute a public offense. The county attorney
21 may elect not to proceed with the complaint, regardless of whether reasonable
22 grounds exist, and dismiss the complaint.

23 (2) The county attorney, upon receipt of a request for special review, shall consider the
24 facts presented by the complainant and by the court-designated worker who made
25 the recommendation that no petition be filed, before the county attorney makes a
26 final decision as to whether a public offense petition shall ~~[or shall not]~~ be filed.

27 (3) In all cases in which the child is alleged to have committed a public offense and is

1 not detained, the court-designated worker shall submit his written recommendation
 2 to the county attorney or designee within twenty (20) days, exclusive of weekends
 3 and holidays, from the date the child was taken into custody or the complaint was
 4 filed. In cases where the child is detained, the court-designated worker's report shall
 5 be submitted within seventy-two (72) hours of the time the child is ordered
 6 detained.

7 (4) The county attorney ~~shall~~^{may} not file a petition if the complaint is a misdemeanor
 8 or a Class D felony and the child who is the subject of the diversion agreement has
 9 no prior adjudications and no prior diversions. A youth who is detained pursuant to
 10 KRS 610.265 shall be offered a diversion agreement if the complaint is a
 11 misdemeanor or a Class D felony and the child who is the subject of the diversion
 12 agreement has no prior adjudications and no prior diversions.

13 (5) If a public offense petition is filed, it shall be verified by information and belief and
 14 contain the information listed in KRS 610.020.

15 (6) If a child who is before the court is eligible for mandatory diversion pursuant to
 16 subsection (4) of this section, the court shall return the complaint to the court-
 17 designated worker for diversion or informally adjust the action.

18 ➔Section 20. KRS 635.060 is amended to read as follows:

19 If in its decree the juvenile court finds that the child comes within the purview of this
 20 chapter, the court, at the dispositional hearing, may impose any combination of the
 21 following, except that the court shall, if a validated risk and needs assessment tool is
 22 available, consider the validated risk and needs assessment submitted to the court and
 23 parties by the Department of Juvenile Justice or other agency before imposing any
 24 disposition:

25 (1) Order the child or his parents, guardian, or person exercising custodial control to
 26 make restitution or reparation to any injured person to the extent, in the sum and
 27 upon the conditions as the court determines. However, no parent, guardian, or

1 person exercising custodial control shall be ordered to make restitution or reparation
2 unless the court has provided notice of the hearing, provided opportunity to be
3 heard, and made a finding that the person's failure to exercise reasonable control or
4 supervision was a substantial factor in the child's delinquency;

5 (2) (a) Place the child:

6 1. Under parental supervision in the child's own home or in a suitable
7 home or boarding home, upon the conditions that the court shall
8 determine, or

9 2. On probation under conditions that the court shall determine.

10 (b) 1. At the time the child is placed on probation, the court shall explain to
11 the child the sanctions which may be imposed if the court's conditions
12 are violated, and shall include notice of those sanctions as part of its
13 written order of probation. A child placed on probation shall be subject
14 to the visitation and supervision of a probation officer or an employee of
15 the Department of Juvenile Justice.

16 2. The conditions of probation shall include authorization for the use of
17 graduated sanctions prior to a court review for the imposition of a term
18 of detention. If the court has previously imposed graduated sanctions for
19 a violation of conditions of supervision by a child monitored by the
20 court, or makes a finding that the graduated sanctions have previously
21 been imposed for a child on probation, then the court may impose a
22 sanction of up to thirty (30) days' detention for a violation of the
23 conditions of supervision or probation. A court may not impose
24 detention prior to use of graduated sanctions unless there is clear and
25 convincing evidence that there are no graduated sanctions available that
26 are appropriate for the child and the child is an immediate threat to
27 himself or others. Except where commitment has been probated

1 pursuant to subsection (5) of this section, a child may not be committed
2 or recommitted to the Department of Juvenile Justice for a violation of a
3 condition of probation.

4 (c) A child placed on probation or supervision with court monitoring shall remain
5 subject to the jurisdiction of the court as follows, except that if a person is
6 placed on probation after the person reaches the age of seventeen (17) years
7 and six (6) months, the probation shall be for a period not to exceed one (1)
8 year:

- 9 1. If the child was adjudicated for an offense that would be a violation if
10 committed by an adult, the period of probation or supervision shall not
11 exceed thirty (30) days, except that the court may order up to three (3)
12 months of supervision if the court-ordered treatment includes a program
13 that requires longer than thirty (30) days to complete;
- 14 2. If the child was adjudicated for an offense that would be a misdemeanor
15 if committed by an adult, other than an offense for which a child has
16 been declared a juvenile sex offender under KRS 635.510 or an offense
17 involving a deadly weapon, the period of probation or supervision shall
18 not exceed six (6) months, except that the court may order up to twelve
19 (12) months of supervision if the court-ordered substance abuse or
20 mental health treatment includes a program that requires longer than six
21 (6) months to complete;
- 22 3. If the child was adjudicated for an offense that would be a Class D
23 felony if committed by an adult, other than an offense for which a child
24 has been declared a juvenile sex offender under KRS 635.510 or an
25 offense involving a deadly weapon, the period of probation or
26 supervision shall not exceed twelve (12) months; or
- 27 4. If the child was adjudicated for an offense that would be a felony offense

1 if committed by an adult, other than a Class D felony offense, or for an
2 offense involving a deadly weapon, or for an offense in which the child
3 has not been declared a sexual offender pursuant to KRS 635.510, the
4 child may be placed on probation up to age eighteen (18);

5 (3) (a) If the child was adjudicated for an offense other than an offense that would be
6 a violation if committed by an adult, order the child confined in an approved
7 secure detention facility or detention program, as authorized by KRS Chapter
8 15A, as follows:

- 9 1. If the child is fourteen (14) years of age but less than sixteen (16) years
10 of age, the child may be confined for a period of time not to exceed
11 forty-five (45) days; or
- 12 2. If the child is sixteen (16) years of age or older, the child may be
13 confined for a period of time not to exceed ninety (90) days.

14 (b) The Department of Juvenile Justice shall pay for the confinement of children
15 confined pursuant to this subsection in accordance with the statewide
16 detention plan and administrative regulations implementing the plan;

17 (4) (a) Order the child to be committed or recommitted to the custody of the
18 Department of Juvenile Justice, grant guardianship to a child-caring facility or
19 a child-placing agency authorized to care for the child, or place the child under
20 the custody and supervision of a suitable person if:

- 21 1. The child was adjudicated for an offense that would be a misdemeanor
22 or Class D felony if committed by an adult and the child has at least
23 three (3) prior adjudications *which do not arise from the same course*
24 *of conduct*, excluding prior adjudications of offenses designated as a
25 violation, or at least four (4) prior *separate* adjudications of violations,
26 which do not arise from the same course of conduct; or
- 27 2. The child was adjudicated for an offense involving a deadly weapon, an

1 offense in which the child has been declared a juvenile sexual offender
2 under KRS 635.510, or an offense that would be a felony offense if
3 committed by an adult, other than a Class D felony.

4 (b) The commitment shall be for the following term, subject to KRS 635.070 and
5 the power of the court to terminate the order and discharge the child prior
6 thereto:

7 1. If the child was adjudicated for an offense that would be a misdemeanor
8 if committed by an adult, other than an offense for which a child has
9 been declared a juvenile sex offender under KRS 635.510 or an offense
10 involving a deadly weapon, the child may be committed for a period not
11 to exceed twelve (12) months, including all time spent in the treatment
12 plan established pursuant to KRS 15A.0652;

13 2. If the child was adjudicated for an offense that would be a Class D
14 felony if committed by an adult, other than an offense for which a child
15 has been declared a juvenile sex offender under KRS 635.510 or an
16 offense involving a deadly weapon, the child may be committed for a
17 period not to exceed eighteen (18) months, including all time spent in
18 the treatment plan established pursuant to KRS 15A.0652;

19 3. If the child was adjudicated for an offense that would be a felony offense
20 if committed by an adult, other than a Class D felony offense, or an
21 offense involving a deadly weapon, the child may be committed up to
22 age eighteen (18);

23 4. If the child was adjudicated for an offense that results in the child being
24 declared a juvenile sexual offender, the commitment shall be as
25 provided in KRS 635.515;

26 5. The court, in its discretion, upon motion by the child and with the
27 concurrence of the Department of Juvenile Justice, may authorize an

1 extension of commitment up to age twenty-one (21) to permit the
2 Department of Juvenile Justice to assist the child in establishing
3 independent living arrangements; and

4 6. If a child is committed after the child reaches the age of seventeen (17)
5 years and six (6) months, and except as provided in subparagraph 4. of
6 this paragraph, the commitment shall be for a period not to exceed one
7 (1) year.

8 (c) The Department of Juvenile Justice shall:

9 1. Accept physical custody of a child who is detained in an approved
10 secure juvenile detention facility in accordance with KRS 15A.200 to
11 15A.240 at the time the child is committed or recommitted to the
12 custody of the Department of Juvenile Justice. The Department of
13 Juvenile Justice shall remove the child from the approved secure
14 juvenile detention facility and secure appropriate placement as soon as
15 possible but not to exceed thirty-five (35) days of the time of
16 commitment or recommitment; and

17 2. Pay for the cost of detention from the date of commitment or
18 recommitment, on the current charge, until the child is removed from the
19 detention facility and placed.

20 (d) All orders of commitment may include advisory recommendations the court
21 may deem proper in the best interests of the child and of the public;~~[-or-]~~

22 (5) (a) The court may probate or suspend a commitment ordered pursuant to
23 subsection (4) of this section, except that if a court probates or suspends a
24 commitment in conjunction with any other dispositional alternative, that fact
25 shall be explained to the juvenile and contained in a written order.

26 (b) Any probation or suspension imposed shall not exceed the time limitations
27 established under subsection (2) of this section.

1 (c) If the child successfully completes the conditions of probation, the court shall
2 terminate the case.

3 (d) 1. The court may, for violations of the conditions of probation, revoke the
4 probation or suspension ordered under this section and order the child
5 committed.

6 2. The period of the commitment shall not exceed the terms established
7 under subsection (4) of this section.

8 3. Any time a child has spent in out-of-home placement as a result of a
9 violation of a condition of probation or suspension under this section
10 shall be credited toward the period of commitment.

11 4. If a commitment is probated or suspended after a child reaches the age
12 of seventeen (17) years and six (6) months, the period of the suspension,
13 and commitment if revoked, shall be for a period not to exceed one (1)
14 year, but not to exceed age nineteen (19);

15 **(6) The court shall not enter any disposition in a public offender case, except as**
16 **provided by this section or by KRS 635.090; or**

17 **(7) The court shall not combine dispositional alternatives to exceed the limit**
18 **established in this section for the most restrictive dispositional alternative utilized.**

19 ➔Section 21. KRS 610.190 is amended to read as follows:

20 (1) The law relating to the persons by whom and the circumstances under which a
21 person may be arrested for a public offense shall be applicable to children, but the
22 taking of a child into custody under such law shall not be termed an arrest until the
23 court has made the decision to try the child in Circuit or District Court as an adult.
24 The law relating to bail shall not be applicable to children detained in accordance
25 with this chapter unless the child is subject to being tried in Circuit or District Court
26 as an adult.

27 (2) ~~{A peace officer may take a child into protective custody if the officer suspects the~~

1 ~~child to be a runaway.]~~A child taken into protective custody ~~[under this subsection~~
 2 ~~]shall~~ not be considered to have been arrested and may be held at the locations
 3 specified in KRS 610.220(1), while~~[after which]~~ the officer conducts~~[shall proceed~~
 4 ~~with]~~ an initial investigation as provided for in KRS 610.200.

5 (3) When a child is taken into custody by a person other than a peace officer, such
 6 person shall as soon as possible place the child in the custody of a peace officer.

7 ➔Section 22. KRS 610.200 is amended to read as follows:

8 (1) When a peace officer has taken or received a child into custody on a charge of
 9 committing an offense, the officer shall immediately inform the child of his
 10 constitutional rights and afford him the protections required thereunder, notify the
 11 parent, or if the child is committed, the Department of Juvenile Justice or the
 12 cabinet, as appropriate, and if the parent is not available, then a relative, guardian,
 13 or person exercising custodial control or supervision of the child, that the child has
 14 been taken into custody, give an account of specific charges against the child,
 15 including the specific statute alleged to have been violated, and the reasons for
 16 taking the child into custody.

17 (2) (a) When a peace officer has taken or received a child into protective custody~~[on~~
 18 ~~suspicion of being a runaway]~~, the officer shall immediately notify:

- 19 1. The child's parent, guardian, or person exercising custodial control or
- 20 supervision of the child, if determined;
- 21 2. The cabinet or Department of Juvenile Justice, if appropriate; and
- 22 3. The court-designated worker.

23 (b) If the parent, guardian, or other person exercising custodial control or
 24 supervision is identified and notified, the peace officer may retain custody of
 25 the child for a reasonable period to allow the person notified the opportunity
 26 to arrive at the officer's location and collect the child.

27 (c) If the parent, guardian, or other person exercising custodial control or

1 supervision cannot be identified or located, the peace officer may retain
2 custody of the child for a period of time not to exceed two (2) hours to
3 continue his or her investigation.

4 (d) If, at the conclusion of the peace officer's investigation, the parent, guardian,
5 or person exercising custodial control or supervision of the child is identified
6 and notified, the peace officer shall return the child to the custody of that
7 person and ~~may~~^{shall} file a status offense complaint~~[case]~~ with the court-
8 designated worker.

9 (e) If, at the conclusion of the peace officer's investigation, the parent, guardian,
10 or person exercising custodial control or supervision of the child cannot be
11 identified or located, or that person refuses to collect the child, the peace
12 officer shall file a complaint to initiate placement procedures pending a
13 custody hearing~~[pursuant to KRS 610.012]~~.

14 (3) Unless the child is subject to trial as an adult or unless the nature of the offense or
15 other circumstances are such as to indicate the necessity of retaining the child in
16 custody, the officer shall release the child to the custody of his parent or if the child
17 is committed, the Department of Juvenile Justice or the cabinet, as appropriate; or if
18 the parent is not available, then a relative, guardian, or person exercising custodial
19 control or supervision or other responsible person or agency approved by the court
20 upon the written promise, signed by such person or agency, to bring the child to the
21 court at a stated time or at such time as the court may order. The written promise,
22 accompanied by a written report by the officer, shall be submitted forthwith to the
23 court or court-designated worker and shall detail the reasons for having taken
24 custody of the child, the release of the child, the person to whom the child was
25 released, and the reasons for the release.

26 (4) (a) If the person fails to produce the child as agreed or upon notice from the
27 Court as provided in subsection (3) of this section, a summons, warrant, or

1 custody order may be issued for the apprehension of the person or of the
2 child,
3 or both.

4 (b) If the person notified to collect a child taken into protective
5 custody~~[suspected runaway pursuant to subsection (2)(a) of this section]~~ fails
6 or refuses to collect the child, the peace officer shall notify the county
7 attorney, who may file a charge of endangering the welfare of a minor, and the
8 cabinet.

9 (5) The release of a child pursuant to this section shall not preclude a peace officer from
10 proceeding with a complaint against a child or any other person.

11 (6) Unless the child is subject to trial as an adult, if the child is not released, the peace
12 officer shall contact the court-designated worker who may:

13 (a) Release the child to his parents;

14 (b) Release the child to such other persons or organizations as are authorized by
15 law;

16 (c) Release the child to either of the above subject to stated conditions; or

17 (d) Except as provided in subsection (7) of this section, authorize the peace
18 officer to retain custody of the child for an additional period not to exceed
19 twelve (12) hours during which the peace officer may transport the child to a
20 secure juvenile detention facility or a nonsecure facility. If the child is retained
21 in custody, the court-designated worker shall give notice to the child's parents
22 or person exercising custodial control or supervision of the fact that the child
23 is being retained in custody.

24 (7) (a) Except as provided in paragraph (b) of this subsection, No child ten (10) years
25 of age or under shall be taken to or placed in a juvenile detention facility.

26 (b) Any child ten (10) years of age or under who has been charged with the
27 commission of a capital offense or with an offense designated as a Class A or

1 Class B felony may be taken to or placed in a secure juvenile detention facility
2 or youth alternative center when there is no available less restrictive
3 alternative.

4 ➔Section 23. KRS 610.220 is amended to read as follows:

5 (1) Except as otherwise provided by statute, if an officer takes or receives a child into
6 custody on an allegation of committing a public offense or into protective custody
7 pursuant to subsection (2) of Section 24 of this Act and charged as an
8 habitual~~on being a suspected~~ runaway, the child may be held at a police station,
9 secure juvenile detention facility, youth alternative center, a nonsecure facility, or,
10 as necessary, in a hospital or clinic for the following purposes:

- 11 (a) Identification and booking;
- 12 (b) Attempting to notify the parents or person exercising custodial control or
13 supervision of the child, a relative, guardian, other responsible person, or the
14 cabinet;
- 15 (c) Photographing;
- 16 (d) Fingerprinting;
- 17 (e) Physical examinations, including examinations for evidence;
- 18 (f) Evidence collection, including scientific tests;
- 19 (g) Records checks;
- 20 (h) Determining whether the child is subject to trial as an adult; and
- 21 (i) Other inquiries of a preliminary nature.

22 (2) A child may be held in custody pursuant to this section for a period of time not to
23 exceed two (2) hours, unless an extension of time is granted. Permission for an
24 extension of time may be granted by the court, trial commissioner, or court-
25 designated worker pursuant to KRS 610.200(6)(d) and the child may be retained in
26 custody for up to an additional ten (10) hours at a facility of the type listed in
27 subsection (1) of this section except for an intermittent holding facility for the

1 period of retention.

2 (3) Any child held in custody pursuant to this section shall be sight and sound separated
3 from any adult prisoners held in secure custody at the same location, and shall not
4 be handcuffed to or otherwise securely attached to any stationary object.

5 ➔Section 24. KRS 630.030 is amended to read as follows:

6 Under the provisions of this chapter~~[a child may be taken into custody by any peace~~
7 ~~officer]~~:

8 (1) **A child may be taken into custody by any peace officer** pursuant to an order of the
9 court for failure to appear before the court for a previous status offense; or

10 (2) **A child may be taken into protective custody by any peace officer** if there are
11 reasonable grounds to believe that the child ~~is~~^{has been} an habitual runaway from
12 his parent or person exercising custodial control or supervision of the child.

13 ➔Section 25. KRS 600.020 is amended to read as follows:

14 As used in KRS Chapters 600 to 645, unless the context otherwise requires:

15 (1) "Abused or neglected child" means a child whose health or welfare is harmed or
16 threatened with harm when:

17 (a) His or her parent, guardian, person in a position of authority or special trust, as
18 defined in KRS 532.045, or other person exercising custodial control or
19 supervision of the child:

- 20 1. Inflicts or allows to be inflicted upon the child physical or emotional
21 injury as defined in this section by other than accidental means;
- 22 2. Creates or allows to be created a risk of physical or emotional injury as
23 defined in this section to the child by other than accidental means;
- 24 3. Engages in a pattern of conduct that renders the parent incapable of
25 caring for the immediate and ongoing needs of the child including, but
26 not limited to, parental incapacity due to alcohol and other drug abuse as
27 defined in KRS 222.005;

- 1 4. Continuously or repeatedly fails or refuses to provide essential parental
2 care and protection for the child, considering the age of the child;
- 3 5. Commits or allows to be committed an act of sexual abuse, sexual
4 exploitation, or prostitution upon the child;
- 5 6. Creates or allows to be created a risk that an act of sexual abuse, sexual
6 exploitation, or prostitution will be committed upon the child;
- 7 7. Abandons or exploits the child;
- 8 8. Does not provide the child with adequate care, supervision, food,
9 clothing, shelter, and education or medical care necessary for the child's
10 well-being. A parent or other person exercising custodial control or
11 supervision of the child legitimately practicing the person's religious
12 beliefs shall not be considered a negligent parent solely because of
13 failure to provide specified medical treatment for a child for that reason
14 alone. This exception shall not preclude a court from ordering necessary
15 medical services for a child;
- 16 9. Fails to make sufficient progress toward identified goals as set forth in
17 the court-approved case plan to allow for the safe return of the child to
18 the parent that results in the child remaining committed to the cabinet
19 and remaining in foster care for fifteen (15) of the most recent twenty-
20 two (22) months; or
- 21 (b) A person twenty-one (21) years of age or older commits or allows to be
22 committed an act of sexual abuse, sexual exploitation, or prostitution upon a
23 child less than sixteen (16) years of age;
- 24 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
25 675(11);
- 26 (3) "Aggravated circumstances" means the existence of one (1) or more of the
27 following conditions:

- 1 (a) The parent has not attempted or has not had contact with the child for a period
2 of not less than ninety (90) days;
- 3 (b) The parent is incarcerated and will be unavailable to care for the child for a
4 period of at least one (1) year from the date of the child's entry into foster care
5 and there is no appropriate relative placement available during this period of
6 time;
- 7 (c) The parent has sexually abused the child and has refused available treatment;
- 8 (d) The parent has been found by the cabinet to have engaged in abuse of the
9 child that required removal from the parent's home two (2) or more times in
10 the past two (2) years; or
- 11 (e) The parent has caused the child serious physical injury;
- 12 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
13 the reasonable directives of his or her parents, legal guardian, or person exercising
14 custodial control or supervision other than a state agency, which behavior results in
15 danger to the child or others, and which behavior does not constitute behavior that
16 would warrant the filing of a petition under KRS Chapter 645;
- 17 (5) "Beyond the control of school" means any child who has been found by the court to
18 have repeatedly violated the lawful regulations for the government of the school as
19 provided in KRS 158.150, and as documented in writing by the school as a part of
20 the school's petition or as an attachment to the school's petition. The petition or
21 attachment shall describe the student's behavior and all intervention strategies
22 attempted by the school;
- 23 (6) "Boarding home" means a privately owned and operated home for the boarding and
24 lodging of individuals which is approved by the Department of Juvenile Justice or
25 the cabinet for the placement of children committed to the department or the
26 cabinet;
- 27 (7) "Cabinet" means the Cabinet for Health and Family Services;

- 1 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
2 and who have completed a course of education and training in juvenile detention
3 developed and approved by, the Department of Juvenile Justice after consultation
4 with other appropriate state agencies;
- 5 (9) "Child" means any person who has not reached his or her eighteenth birthday,
6 unless otherwise provided;
- 7 (10) "Child-caring facility" means any facility or group home other than a state facility,
8 Department of Juvenile Justice contract facility or group home, or one certified by
9 an appropriate agency as operated primarily for educational or medical purposes,
10 providing residential care on a twenty-four (24) hour basis to children not related by
11 blood, adoption, or marriage to the person maintaining the facility;
- 12 (11) "Child-placing agency" means any agency, other than a state agency, which
13 supervises the placement of children in foster family homes or child-caring facilities
14 or which places children for adoption;
- 15 (12) "Clinical treatment facility" means a facility with more than eight (8) beds
16 designated by the Department of Juvenile Justice or the cabinet for the treatment of
17 mentally ill children. The treatment program of such facilities shall be supervised by
18 a qualified mental health professional;
- 19 (13) "Commitment" means an order of the court which places a child under the custodial
20 control or supervision of the Cabinet for Health and Family Services, Department of
21 Juvenile Justice, or another facility or agency until the child attains the age of
22 eighteen (18) unless otherwise provided by law;
- 23 (14) "Community-based facility" means any nonsecure, homelike facility licensed,
24 operated, or permitted to operate by the Department of Juvenile Justice or the
25 cabinet, which is located within a reasonable proximity of the child's family and
26 home community, which affords the child the opportunity, if a Kentucky resident, to
27 continue family and community contact;

- 1 (15) "Complaint" means a verified statement setting forth allegations in regard to the
2 child which contain sufficient facts for the formulation of a subsequent petition;
- 3 (16) "Court" means the juvenile session of District Court unless a statute specifies the
4 adult session of District Court or the Circuit Court;
- 5 (17) "Court-designated worker" means that organization or individual delegated by the
6 Administrative Office of the Courts for the purposes of placing children in
7 alternative placements prior to arraignment, conducting preliminary investigations,
8 and formulating, entering into, and supervising diversion agreements and
9 performing such other functions as authorized by law or court order;
- 10 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- 11 (19) "Department" means the Department for Community Based Services;
- 12 (20) "Dependent child" means any child, other than an abused or neglected child, who is
13 under improper care, custody, control, or guardianship that is not due to an
14 intentional act of the parent, guardian, or person exercising custodial control or
15 supervision of the child;
- 16 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of
17 conduct subject to the jurisdiction of the court who requires a restricted or closely
18 supervised environment for his or her own or the community's protection;
- 19 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within
20 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
21 period of detention prior to adjudication;
- 22 (23) "Diversion agreement" means a mechanism designed to hold a child accountable for
23 his or her behavior and, if appropriate, securing services to serve the best interest of
24 the child and to provide redress for that behavior without court action and without
25 the creation of a formal court record;
- 26 (24) "Eligible youth" means a person who:
27 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;

- 1 (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- 2 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
- 3 order to participate in state or federal educational programs or to establish
- 4 independent living arrangements;
- 5 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
- 6 homelike facility which provides temporary or emergency care of children and
- 7 adequate staff and services consistent with the needs of each child;
- 8 (26) "Emotional injury" means an injury to the mental or psychological capacity or
- 9 emotional stability of a child as evidenced by a substantial and observable
- 10 impairment in the child's ability to function within a normal range of performance
- 11 and behavior with due regard to his or her age, development, culture, and
- 12 environment as testified to by a qualified mental health professional;
- 13 (27) "Evidence-based practices" means policies, procedures, programs, and practices
- 14 proven by scientific research to reliably produce reductions in recidivism;
- 15 (28) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- 16 (29) "Foster family home" means a private home in which children are placed for foster
- 17 family care under supervision of the cabinet or a licensed child-placing agency;
- 18 (30) "Graduated sanction" means any of a continuum of accountability measures,
- 19 programs, and sanctions, ranging from less restrictive to more restrictive in nature,
- 20 that may include but are not limited to:
- 21 (a) Electronic monitoring;
- 22 (b) Drug and alcohol screening, testing, or monitoring;
- 23 (c) Day or evening reporting centers;
- 24 (d) Reporting requirements;
- 25 (e) Community service; and
- 26 (f) Rehabilitative interventions such as family counseling, substance abuse
- 27 treatment, restorative justice programs, and behavioral or mental health

1 treatment;

2 (31) "Habitual runaway" means any child who has been found by the court to have been
3 absent from his or her place of lawful residence without the permission of his or her
4 custodian for at least three (3) days during a one (1) year period;

5 (32) "Habitual truant" means any child who has been found by the court to have been
6 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a
7 one (1) year period;

8 (33) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or
9 public facility, health care facility, or part thereof, which is approved by the cabinet
10 to treat children;

11 (34) "Independent living" means those activities necessary to assist a committed child to
12 establish independent living arrangements;

13 (35) "Informal adjustment" means an agreement reached among the parties, with
14 consultation, but not the consent, of the victim of the crime or other persons
15 specified in KRS 610.070 if the victim chooses not to or is unable to participate,
16 after a petition has been filed, which is approved by the court, that the best interest
17 of the child would be served without formal adjudication and disposition;

18 (36) "Intentionally" means, with respect to a result or to conduct described by a statute
19 which defines an offense, that the actor's conscious objective is to cause that result
20 or to engage in that conduct;

21 (37) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that
22 the program developed on the child's behalf is no more harsh, hazardous, or
23 intrusive than necessary; or involves no restrictions on physical movements nor
24 requirements for residential care except as reasonably necessary for the protection
25 of the child from physical injury; or protection of the community, and is conducted
26 at the suitable available facility closest to the child's place of residence to allow for
27 appropriate family engagement;

- 1 (38) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS
2 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- 3 (39) "Near fatality" means an injury that, as certified by a physician, places a child in
4 serious or critical condition;
- 5 (40) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 6 (41) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who
7 has not been otherwise charged with a status or public offense;
- 8 (42) "Nonsecure facility" means a facility which provides its residents access to the
9 surrounding community and which does not rely primarily on the use of physically
10 restricting construction and hardware to restrict freedom;
- 11 (43) "Nonsecure setting" means a nonsecure facility or a residential home, including a
12 child's own home, where a child may be temporarily placed pending further court
13 action. Children before the court in a county that is served by a state operated secure
14 detention facility, who are in the detention custody of the Department of Juvenile
15 Justice, and who are placed in a nonsecure alternative by the Department of
16 Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- 17 (44) "Out-of-home placement" means a placement other than in the home of a parent,
18 relative, or guardian, in a boarding home, clinical treatment facility, community-
19 based facility, detention facility, emergency shelter, foster family home, hospital,
20 nonsecure facility, physically secure facility, residential treatment facility, or youth
21 alternative center;
- 22 (45) "Parent" means the biological or adoptive mother or father of a child;
- 23 (46) "Person exercising custodial control or supervision" means a person or agency that
24 has assumed the role and responsibility of a parent or guardian for the child, but that
25 does not necessarily have legal custody of the child;
- 26 (47) "Petition" means a verified statement, setting forth allegations in regard to the child,
27 which initiates formal court involvement in the child's case;

- 1 (48) "Physical injury" means substantial physical pain or any impairment of physical
2 condition;
- 3 (49) "Physically secure facility" means a facility that relies primarily on the use of
4 construction and hardware such as locks, bars, and fences to restrict freedom;
- 5 (50) "Public offense action" means an action, excluding contempt, brought in the interest
6 of a child who is accused of committing an offense under KRS Chapter 527 or a
7 public offense which, if committed by an adult, would be a crime, whether the same
8 is a felony, misdemeanor, or violation, other than an action alleging that a child
9 sixteen (16) years of age or older has committed a motor vehicle offense;
- 10 (51) "Qualified mental health professional" means:
- 11 (a) A physician licensed under the laws of Kentucky to practice medicine or
12 osteopathy, or a medical officer of the government of the United States while
13 engaged in the performance of official duties;
- 14 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or
15 osteopathy, or a medical officer of the government of the United States while
16 engaged in the practice of official duties, and who is certified or eligible to
17 apply for certification by the American Board of Psychiatry and Neurology,
18 Inc.;
- 19 (c) A psychologist with the health service provider designation, a psychological
20 practitioner, a certified psychologist, or a psychological associate licensed
21 under the provisions of KRS Chapter 319;
- 22 (d) A licensed registered nurse with a master's degree in psychiatric nursing from
23 an accredited institution and two (2) years of clinical experience with mentally
24 ill persons, or a licensed registered nurse with a bachelor's degree in nursing
25 from an accredited institution who is certified as a psychiatric and mental
26 health nurse by the American Nurses Association and who has three (3) years
27 of inpatient or outpatient clinical experience in psychiatric nursing and who is

1 currently employed by a hospital or forensic psychiatric facility licensed by
2 the Commonwealth or a psychiatric unit of a general hospital or a regional
3 comprehensive care center;

4 (e) A licensed clinical social worker licensed under the provisions of KRS
5 335.100, or a certified social worker licensed under the provisions of KRS
6 335.080 with three (3) years of inpatient or outpatient clinical experience in
7 psychiatric social work and currently employed by a hospital or forensic
8 psychiatric facility licensed by the Commonwealth or a psychiatric unit of a
9 general hospital or a regional comprehensive care center;

10 (f) A marriage and family therapist licensed under the provisions of KRS 335.300
11 to 335.399 with three (3) years of inpatient or outpatient clinical experience in
12 psychiatric mental health practice and currently employed by a hospital or
13 forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit
14 of a general hospital, or a regional comprehensive care center; or

15 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
16 335.599 with three (3) years of inpatient or outpatient clinical experience in
17 psychiatric mental health practice and currently employed by a hospital or
18 forensic facility licensed by the Commonwealth, a psychiatric unit of a general
19 hospital, or a regional comprehensive care center;

20 (52) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
21 sec. 675(10);

22 (53) "Residential treatment facility" means a facility or group home with more than eight
23 (8) beds designated by the Department of Juvenile Justice or the cabinet for the
24 treatment of children;

25 **(54) "Restorative justice practices" means practices which emphasize repairing the**
26 **harm caused to victims and the community by offenses. Restorative justice**
27 **practices are facilitated meetings attended voluntarily by the victim or victim's**

1 representatives, the victim's supporters, the offender, and the offender's
2 supporters and may include community members and are conducted with the
3 goal of reaching a written consensus of all participants. Restorative justice
4 practices may be used in addition to any other conditions, consequences,
5 diversion, or disposition imposed by the court;

6 ~~(55)~~~~(54)~~ "Retain in custody" means, after a child has been taken into custody, the
7 continued holding of the child by a peace officer for a period of time not to exceed
8 twelve (12) hours when authorized by the court or the court-designated worker for
9 the purpose of making preliminary inquiries;

10 ~~(56)~~~~(55)~~ "Risk and needs assessment" means an actuarial tool scientifically proven to
11 identify specific factors and needs that are related to delinquent and noncriminal
12 misconduct;

13 ~~(57)~~~~(56)~~ "School personnel" means those certified persons under the supervision of the
14 local public or private education agency;

15 ~~(58)~~~~(57)~~ "Secretary" means the secretary of the Cabinet for Health and Family
16 Services;

17 ~~(59)~~~~(58)~~ "Secure juvenile detention facility" means any physically secure facility used
18 for the secure detention of children other than any facility in which adult prisoners
19 are confined;

20 ~~(60)~~~~(59)~~ "Serious physical injury" means physical injury which creates a substantial
21 risk of death or which causes serious and prolonged disfigurement, prolonged
22 impairment of health, or prolonged loss or impairment of the function of any bodily
23 member or organ;

24 ~~(61)~~~~(60)~~ "Sexual abuse" includes but is not necessarily limited to any contacts or
25 interactions in which the parent, guardian, person in a position of authority or
26 special trust, as defined in KRS 532.045, or other person having custodial control or
27 supervision of the child or responsibility for his or her welfare, uses or allows,

1 permits, or encourages the use of the child for the purposes of the sexual stimulation
2 of the perpetrator or another person;

3 ~~(62)~~~~((61))~~ "Sexual exploitation" includes but is not limited to a situation in which a
4 parent, guardian, person in a position of authority or special trust, as defined in KRS
5 532.045, or other person having custodial control or supervision of a child or
6 responsible for his or her welfare, allows, permits, or encourages the child to engage
7 in an act which constitutes prostitution under Kentucky law; or a parent, guardian,
8 person in a position of authority or special trust, as defined in KRS 532.045, or
9 other person having custodial control or supervision of a child or responsible for his
10 or her welfare, allows, permits, or encourages the child to engage in an act of
11 obscene or pornographic photographing, filming, or depicting of a child as provided
12 for under Kentucky law;

13 ~~(63)~~~~((62))~~ "Social service worker" means any employee of the cabinet or any private
14 agency designated as such by the secretary of the cabinet or a social worker
15 employed by a county or city who has been approved by the cabinet to provide,
16 under its supervision, services to families and children;

17 ~~(64)~~~~((63))~~ "Staff secure facility for residential treatment" means any setting which
18 assures that all entrances and exits are under the exclusive control of the facility
19 staff, and in which a child may reside for the purpose of receiving treatment;

20 ~~(65)~~~~((64))~~ (a) "Status offense action" is any action brought in the interest of a child
21 who is accused of committing acts, which if committed by an adult, would not
22 be a crime. Such behavior shall not be considered criminal or delinquent and
23 such children shall be termed status offenders. Status offenses shall include:

- 24 1. Beyond the control of school or beyond the control of parents;
- 25 2. Habitual Runaway;
- 26 3. Habitual truant;
- 27 4. Tobacco offenses as provided in KRS 438.305 to 438.340; and

1 5. Alcohol offenses as provided in KRS 244.085.

2 (b) Status offenses shall not include violations of state or local ordinances which
3 may apply to children such as a violation of curfew;

4 ~~(66)~~~~((65))~~ "Take into custody" means the procedure by which a peace officer or other
5 authorized person initially assumes custody of a child. A child may be taken into
6 custody for a period of time not to exceed two (2) hours;

7 ~~(67)~~~~((66))~~ "Transitional living support" means all benefits to which an eligible youth is
8 entitled upon being granted extended or reinstated commitment to the cabinet by the
9 court;

10 ~~(68)~~~~((67))~~ "Transition plan" means a plan that is personalized at the direction of the
11 youth that:

12 (a) Includes specific options on housing, health insurance, education, local
13 opportunities for mentors and continuing support services, and workforce
14 supports and employment services; and

15 (b) Is as detailed as the youth may elect;

16 ~~(69)~~~~((68))~~ "Valid court order" means a court order issued by a judge to a child alleged or
17 found to be a status offender:

18 (a) Who was brought before the court and made subject to the order;

19 (b) Whose future conduct was regulated by the order;

20 (c) Who was given written and verbal warning of the consequences of the
21 violation of the order at the time the order was issued and whose attorney or
22 parent or legal guardian was also provided with a written notice of the
23 consequences of violation of the order, which notification is reflected in the
24 record of the court proceedings; and

25 (d) Who received, before the issuance of the order, the full due process rights
26 guaranteed by the Constitution of the United States;

27 ~~(70)~~~~((69))~~ "Violation" means any offense, other than a traffic infraction, for which a

1 sentence of a fine only can be imposed;

2 ~~(71)~~~~(70)~~ "Youth alternative center" means a nonsecure facility, approved by the
3 Department of Juvenile Justice, for the detention of juveniles, both prior to
4 adjudication and after adjudication, which meets the criteria specified in KRS
5 15A.320; and

6 ~~(72)~~~~(71)~~ "Youthful offender" means any person regardless of age, transferred to Circuit
7 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently
8 convicted in Circuit Court.

9 →Section 26. KRS 630.070 is amended to read as follows:

10 No status offender shall be placed in a secure juvenile detention facility or juvenile
11 holding facility as a means or form of punishment except following a finding that the
12 status offender has violated a valid court order. **An order of detention for a child found**
13 **to have violated a valid court order shall not exceed thirty (30) days.**

14 →Section 27. KRS 158.135 is amended to read as follows:

15 (1) As used in this section, unless the context otherwise requires:

16 (a) "State agency children" means:

17 1. a. Those children of school age committed to or in custody of the
18 Cabinet for Health and Family Services and placed, or financed by
19 the cabinet, in a Cabinet for Health and Family Services operated
20 or contracted institution, treatment center, facility, including those
21 for therapeutic foster care and excluding those for nontherapeutic
22 foster care;~~or~~

23 b. Those children placed or financed by the Cabinet for Health and
24 Family Services in a private facility pursuant to child care
25 agreements including those for therapeutic foster care and
26 excluding those for nontherapeutic foster care; **or**

27 **c. Those children referred by the FAIR team or the county attorney**

1 *and admitted to a juvenile justice day treatment program;*

2 2. Those children of school age in home and community-based services
3 provided as an alternative to intermediate care facility services for the
4 intellectually disabled; and

5 3. Those children committed to or in custody of the Department of Juvenile
6 Justice and placed in a department operated or contracted facility or
7 program;

8 (b) "Current costs and expenses" means all expenditures, other than for capital
9 outlay and debt service, which are in excess of the amount generated by state
10 agency children under the Support Education Excellence in Kentucky funding
11 formula pursuant to KRS 157.360. These expenditures are necessary to
12 provide a two hundred thirty (230) day school year, smaller teacher pupil
13 ratio, related services if identified on an individual educational plan, and more
14 intensive educational programming; and

15 (c) "Therapeutic foster care" means a remedial care program for troubled children
16 and youth that is in the least restrictive environment where the foster parent is
17 trained to implement planned, remedial supervision and care leading to
18 positive changes in the child's behavior. Children served in this placement
19 have serious emotional problems and meet one (1) or more of the following
20 criteria:

21 1. Imminent release from a treatment facility;

22 2. Aggressive or destructive behavior;

23 3. At risk of being placed in more restrictive settings, including
24 institutionalization; or

25 4. Numerous placement failures.

26 (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any
27 county or independent school district that provides elementary or secondary

1 school services to state agency children shall be reimbursed through a contract
2 with the Kentucky Educational Collaborative for State Agency Children. The
3 school services furnished to state agency children shall be equal to those
4 furnished to other school children of the district.

5 (b) The Department of Education shall, to the extent possible within existing
6 appropriations, set aside an amount of the state agency children funds
7 designated by the General Assembly in the biennial budget to reimburse a
8 school district for its expenditures exceeding twenty percent (20%) of the total
9 amount received from state and federal sources to serve a state agency child.

10 (3) The General Assembly shall, if possible, increase funding for the education
11 programs for state agency children by a percentage increase equal to that provided
12 in the biennial budget for the base funding level for each pupil in the program to
13 support education excellence in Kentucky under KRS 157.360 and, if applicable, by
14 an amount necessary to address increases in the number of state agency children
15 being served.

16 (4) The Kentucky Educational Collaborative for State Agency Children shall make to
17 the chief state school officer the reports required concerning school services for
18 state agency children, and shall file with the Cabinet for Health and Family Services
19 unit operating or regulating the institution or day treatment center, or contracting for
20 services, in which the children are located a copy of the annual report made to the
21 chief state school officer.

22 (5) The Cabinet for Health and Family Services shall contract with a university-
23 affiliated training resource center utilizing all funds generated by the children in
24 state agency programs, except Oakwood and Hazelwood funds, and the funds in the
25 Kentucky Department of Education budget, pursuant to this section, as well as any
26 other educational funds for which all Kentucky children are entitled. The total of
27 these funds shall be utilized to provide educational services through the Kentucky

1 Educational Collaborative for State Agency Children established in KRS 605.110.

2 (6) Notwithstanding the provisions of any other statute, the Kentucky Educational
3 Collaborative for State Agency Children shall operate a two hundred thirty (230)
4 day school program.

5 ➔Section 28. KRS 15.280 is amended to read as follows:

6 (1) A Criminal Justice Statistical Analysis Center is hereby created as part of the
7 Kentucky Justice and Public Safety Cabinet.

8 (2) The Criminal Justice Statistical Analysis Center shall provide its reports and
9 recommendations to the Governor and the General Assembly through the secretary
10 of the Justice and Public Safety Cabinet~~[Kentucky Criminal Justice Council]~~.

11 (3) The Criminal Justice Statistical Analysis Center shall:

12 (a) Improve the quality and usefulness of criminal justice statistics and research
13 results that are disseminated to citizens, public agencies, and private agencies
14 in Kentucky through the collection, analysis, assimilation, and analysis of
15 research and statistical data from within the cabinet, from other executive,
16 judicial, and legislative agencies, and from private sources;

17 (b) Publish research results and statistical data that are requested by criminal
18 justice agencies;

19 (c) Improve the relationship between citizens and criminal justice agencies of
20 Kentucky by conducting citizen surveys of the needs, attitudes, and behavior
21 relating to crime and justice; and

22 (d) Strengthen the relationship between Kentucky criminal justice agencies and
23 the Bureau of Justice Statistics, United States Department of Justice, by:

24 1. Providing justice statistics to the Bureau of Justice Statistics as required;

25 and

26 2. Serving as a clearinghouse for Bureau of Justice Statistics materials.

27 (4) The Kentucky Justice and Public Safety Cabinet may expend any federal grants or

1 federal funds provided for carrying out the functions and authority as assigned in
2 this section. Further, the Kentucky Justice and Public Safety Cabinet may employ
3 such employees as may be necessary to fulfill the duties, responsibilities, and
4 functions assigned by this section.

5 **(5) Information and record copies that are confidential under state or federal law**
6 **and are provided to the Criminal Justice Statistical Analysis Center shall not**
7 **become the information and records of the center and shall not lose their**
8 **confidentiality by virtue of the center's access to the information and records. The**
9 **original information and records used to generate information and record copies**
10 **provided to the center shall be maintained by the appropriate agency in**
11 **accordance with state and federal law and shall be subject to the Kentucky Open**
12 **Records Act, KRS 61.870 to 61.884. All open records requests shall be made to**
13 **the appropriate agency, not to the Criminal Justice Statistical Analysis Center.**
14 **Information and record copies provided to the Criminal Justice Statistical**
15 **Analysis Center for review shall be exempt from the Kentucky Open Records Act,**
16 **KRS 61.870 to 61.884.**

17 ➔Section 29. The following KRS section is repealed:

18 610.012 Exclusive jurisdiction of District Court or family division of Circuit Court
19 concerning temporary detention of suspected runaway.