

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 600 IS CREATED TO  
4 READ AS FOLLOWS:

- 5 *(1) There shall be established within the region served by each regional juvenile*  
6 *detention center a regional citizen juvenile justice review board. Members of the*  
7 *regional board shall be appointed by the Chief District Judge of the district where*  
8 *the regional juvenile detention facility is located.*
- 9 *(2) Each regional citizen juvenile justice review board shall consist of not less than*  
10 *three (3) members and shall be appointed according to the following guidelines:*
- 11 *(a) All members shall have an interest in juvenile justice or child welfare;*
- 12 *(b) At least two (2) members of each regional citizen juvenile justice review*  
13 *board shall, as far as practicable, be chosen from among the following*  
14 *professions: law, medicine, psychology, social work, and education;*
- 15 *(c) Members of each regional citizen juvenile justice review board shall, as far*  
16 *as practicable, be representative of the socioeconomic, racial, and ethnic*  
17 *composition of the area served;*
- 18 *(d) Employees of the Department of Juvenile Justice shall not serve on the*  
19 *regional citizen juvenile justice review board;*
- 20 *(e) All appointed board members shall serve a term of three (3) years, except*  
21 *that if a vacancy occurs, a successor shall be appointed to serve the*  
22 *unexpired term. The term of each member shall expire on August 1 of the*  
23 *appropriate year. Members may be reappointed and shall continue to serve*  
24 *until a successor is appointed; and*
- 25 *(f) All members shall be certified prior to appointment by the State Citizen*  
26 *Juvenile Justice Review Board or its designee. For the purposes of this*  
27 *section, "certified" means acknowledgment of completion of initial training*

- 1                   approved by the State Citizen Juvenile Justice Review Board.
- 2     (3) Regional citizen juvenile justice review board members may be removed for  
3                   nonparticipation, failure to meet training requirements, or other cause as  
4                   determined by the State Citizen Juvenile Justice Review Board.
- 5     (4) Each regional citizen juvenile justice review board shall annually elect a chair  
6                   and vice chair to serve in the absence of the chair.
- 7     (5) Each regional citizen juvenile justice review board shall meet, at a place  
8                   designated by the appointing judge, as often as is deemed necessary to carry out  
9                   the duties of the board. The regional citizen juvenile justice review board shall  
10                  meet no less than four (4) times annually.
- 11    (6) Secretarial and support services for each regional citizen juvenile justice review  
12                  board may be provided by the District Court or circuit clerk, as ordered by the  
13                  appointing judge.
- 14    (7) Regional citizen juvenile justice review boards may receive state and federal  
15                  funding to insure total or partial funding of the board's activities.
- 16    (8) As used in sections 1 to 11 of this Act:
- 17                  (a) "Incarcerated" means detained in a facility operated pursuant to the  
18                  statewide detention program established in KRS 15A.305; and
- 19                  (b) "Incarceration order" means any document which orders that a child be  
20                  incarcerated.

21           ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
22 READ AS FOLLOWS:

- 23    (1) Training shall be established, approved, and provided by the State Citizen  
24                  Juvenile Justice Review Board.
- 25    (2) During the training session, each regional citizen juvenile justice review board  
26                  member shall promise by oath given by the appointing judge or a member of the  
27                  court of justice to keep confidential the information reviewed by the board and its

1 actions and recommendations in individual cases pursuant to the authority  
2 mandated to other officers of the court in KRS Chapter 522. Members of the  
3 regional citizen juvenile justice review boards shall be subject to the same  
4 penalties as officers of the court pursuant to KRS Chapter 522.

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
6 READ AS FOLLOWS:

7 The clerk of the court shall forward to the Administrative Office of the Courts Citizen  
8 Juvenile Justice Review Board Program a copy of each incarceration order in the  
9 manner prescribed by the Administrative Office of the Courts within fourteen (14) days  
10 of the date the order is issued.

11 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
12 READ AS FOLLOWS:

13 (1) For each incarcerated child or child otherwise committed to the Department of  
14 Juvenile Justice, the Department of Juvenile Justice shall file a case plan for the  
15 child with the Administrative Office of the Courts Citizen Juvenile Justice Review  
16 Board Program no later than thirty (30) days after the effective date of the  
17 incarceration order or order of commitment.

18 (2) The case plan shall include, but not be limited to:

19 (a) Biographical data, including the child's age, race, and gender;

20 (b) Educational needs of the child;

21 (c) Medical needs of the child;

22 (d) Emotional needs of the child; and

23 (e) A description of the services needed for the child.

24 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
25 READ AS FOLLOWS:

26 The Department of Juvenile Justice shall file for each child a case progress report at  
27 least once every six (6) months with the Administrative Office of the Courts Citizen

1 Juvenile Justice Review Board Program. The first case progress report after the child  
2 is incarcerated shall be mailed to the Administrative Office of the Courts Citizen  
3 Juvenile Justice Review Board Program and subsequent case progress reports shall be  
4 provided to the regional citizen juvenile justice review board within the case file. The  
5 case progress reports shall include, but are not limited to:

6 (1) The length of time the child has been incarcerated or otherwise committed to the  
7 Department of Juvenile Justice;

8 (2) A description of the services and assistance provided since the last case plan or  
9 case progress report, and results achieved; and

10 (3) An evaluation of the child's current placement and services provided to the child.

11 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
12 READ AS FOLLOWS:

13 (1) Each regional citizen juvenile justice review board shall have access to all  
14 information and records of the Department of Juvenile Justice pertinent to the  
15 child assigned to the regional board for review. Information and records shall  
16 include, but not be limited to, case plans, case progress reports, and other records  
17 of the court, the court designated worker, and the Department of Juvenile Justice.

18 (2) All requested information or records not already before the regional citizen  
19 juvenile justice review board at the time of the six (6) months review shall be  
20 submitted by the agency or organization in possession of the information or  
21 records, or both, no later than five (5) working days after the receipt of the  
22 request.

23 (3) If the regional citizen juvenile justice review board is denied access to any public  
24 or private information or records, it may request the court to hold a hearing, at  
25 which time the court may require the agency or organization in whose possession  
26 the information or records are held to show cause as to the reasons why the  
27 information or records shall not be ordered surrendered pursuant to its authority.

1       ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
2 READ AS FOLLOWS:

3       (1) The regional citizen juvenile justice review board shall review the case of each  
4       incarcerated child in the county or counties which the regional board serves. The  
5       review shall occur at least once every six (6) months until the child is no longer  
6       incarcerated or otherwise committed to the Department of Juvenile Justice. More  
7       frequent review of a case may be requested by the child, the Department of  
8       Juvenile Justice, or the board.

9       (2) During each six (6) month review, the regional citizen juvenile justice review  
10       board shall review:

11       (a) The status of the child and his or her detention as shown through the case  
12       plan, case record, case progress reports submitted by the Department of  
13       Juvenile Justice, and other information as the board may require; and

14       (b) Any problems, solutions, alternatives, or other matters with regard to the  
15       child as the Department of Juvenile Justice or the board determine to be in  
16       the best interests of the state or of the child.

17       (3) Notice of the six (6) month review and the right to attend and participate in the  
18       six (6) month review shall be provided to the child's parents, if parental rights  
19       have not been terminated; the parent's attorney; the guardian ad litem, the  
20       attorney for the child, or both; the child's juvenile services worker; and the child  
21       who is a party to the proceeding. The Department of Juvenile Justice shall  
22       provide the Administrative Office of the Courts Citizen Juvenile Justice Review  
23       Board with the names, addresses, and any other needed contact information in  
24       order to provide adequate, timely notice.

25       (4) At least twice annually, the regional citizen juvenile justice review boards shall  
26       participate in regional community forums for members of the public to discuss  
27       areas of concern regarding the juvenile justice system and to identify barriers to

1 well-being and safety for incarcerated children and children otherwise committed  
2 to the Department of Juvenile Justice. The boards shall report their findings to  
3 the State Citizen Juvenile Justice Review Board.

4 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
5 READ AS FOLLOWS:

6 Each regional citizen juvenile justice review board may request in writing that  
7 employees of the Department of Juvenile Justice or other agencies or organizations, on  
8 five (5) working days' notice, appear at regional board meetings when necessary.  
9 Should an employee fail to appear, the regional citizen juvenile justice review board  
10 may request that the court hold a hearing at which time the court, if the request for the  
11 hearing is granted, shall require the employee to show cause as to why he or she  
12 should not be compelled to appear.

13 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
14 READ AS FOLLOWS:

15 (1) There is hereby established a State Citizen Juvenile Justice Review Board. The  
16 State Citizen Juvenile Justice Review Board shall consist of all chairs of the  
17 regional citizen juvenile justice review boards.

18 (2) The State Citizen Juvenile Justice Review Board shall:

19 (a) Biennially elect a chair and vice chair to serve in the absence of the chair;

20 and

21 (b) Meet at least annually, and more frequently upon the call of the chair, or as  
22 the board shall determine.

23 (4) The duties of the State Citizen Juvenile Justice Review Board shall be to:

24 (a) Establish, approve, and provide training programs for regional citizen  
25 juvenile justice review board members;

26 (b) Review and coordinate the activities of regional citizen juvenile justice  
27 review boards;

1        (c) Establish reporting procedures to be followed by the regional citizen  
2        juvenile justice review boards and publish an annual written report  
3        compiling data reported by regional citizen juvenile justice review boards  
4        which shall include statistics relating, at a minimum, to:

5        1. The number of incarcerated children and children otherwise  
6        committed to the Department of Juvenile Justice, including a  
7        breakdown by level of charge or offense;

8        2. Any gaps in services and programming identified by regional citizen  
9        juvenile justice review boards;

10       3. The average length of time in detention, including a breakdown by  
11       severity of charge or reason for detention;

12       4. The average length of time committed to the Department of Juvenile  
13       Justice, including a breakdown by placement and severity of offense;  
14       and

15       5. The total number and average frequency of reviews;

16       (d) Publish an annual written report on the effectiveness of regional citizen  
17       juvenile justice review boards; and

18       (e) Evaluate and make annual recommendations to the Supreme Court, the  
19       Legislative Research Commission, and the Governor regarding:

20       1. Laws of the Commonwealth;

21       2. Practices, policies, and procedures within the Commonwealth  
22       affecting incarcerated children and children otherwise committed to  
23       the Department of Juvenile Justice; and

24       3. The findings of the regional citizen juvenile justice review board  
25       community forums.

26       ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
27       READ AS FOLLOWS:

1 (1) Secretarial and support services for the State Citizen Juvenile Justice Review  
2 Board may be provided by the Administrative Office of the Courts.

3 (2) The State Citizen Juvenile Justice Review Board may receive state and federal  
4 funds to ensure total or partial funding of the board's activities.

5 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO  
6 READ AS FOLLOWS:

7 Each regional citizen juvenile justice review board shall forward annually to the State  
8 Citizen Juvenile Justice Review Board a report and any recommendations regarding:

9 (1) The policies and practices of the Department of Juvenile Justice, the court, and  
10 other agencies which affect incarcerated children and children otherwise  
11 committed to the Department of Juvenile Justice; and

12 (2) The process of regional citizen juvenile justice review.