

**610.030 Preliminary intake inquiry procedures -- Resulting actions -- Formal conference -- Family screening tool -- Diversion agreement and family diversion agreement. (Effective July 15, 2026)**

Except as otherwise provided in KRS Chapters 600 to 645:

- (1) If any person files a complaint alleging that a child, except a child alleged to be neglected, abused, dependent, or mentally ill who is subject to the jurisdiction of the court, may be within the purview of KRS Chapters 600 to 645, the court-designated worker shall make a preliminary determination as to whether the complaint is complete. In any case where the court-designated worker finds that the complaint is incomplete, the court-designated worker shall return the complaint without delay to the person or agency originating the complaint or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and request additional information in order to complete the complaint. The complainant shall promptly furnish the additional information requested;
- (2)
  - (a) Upon receipt of a complaint which appears to be complete and which alleges that a child has committed a public offense, the court-designated worker shall refer the complaint to the county attorney for review pursuant to KRS 635.010.
  - (b) If after review the county attorney elects to proceed, the court-designated worker shall conduct a preliminary intake inquiry to recommend whether the interests of the child or the public require that further action be taken or whether, in the interest of justice, the complaint can be resolved informally without the filing of a petition;
- (3) Upon receipt of a truancy intervention precomplaint form required in KRS 159.152(2), the court-designated worker shall proceed in accordance with KRS 610.035;
- (4) Upon receipt of a complaint that appears to be complete and that alleges that the child has committed a status offense, the court-designated worker shall conduct a preliminary intake inquiry to determine whether the interests of the child or the public require that further action be taken;
- (5) Prior to conducting a preliminary intake inquiry, the court-designated worker shall notify the child and the child's parent, guardian, or other person exercising custodial control or supervision of the child in writing:
  - (a) Of their opportunity to be present at the preliminary intake inquiry;
  - (b) That they may have counsel present during the preliminary intake inquiry and the formal conference;
  - (c)
    1. That all information supplied by the child to a court-designated worker during any process prior to the filing of the petition shall be deemed confidential and shall not be subject to subpoena or to disclosure without the written consent of the child.
    2. That information may be shared between treatment providers, the court-designated worker, and if applicable, the RISE team to enable the court-designated worker to facilitate services and facilitate compliance with the diversion agreement; and

- (d) That the child has the right to deny the allegation and demand a formal court hearing;
- (6) The preliminary intake inquiry shall include the administration of an evidence-based screening tool and, if appropriate and available, a validated risk and needs assessment, in order to identify whether the child and his or her family are in need of services and the level of intervention needed;
- (7)
  - (a) Upon the completion of the preliminary intake inquiry for a minor who is alleged to be a status offender and has been reported to the county attorney as required under KRS 159.140(3)(b), the court-designated worker shall, if the county attorney elects not to refer the complaint for formal court action, proceed under subsection (9) of this section.
  - (b) Upon the completion of the preliminary intake inquiry for all other allegations, the court-designated worker may:
    - 1. If the complaint alleges a status offense, and is filed against a student from a school:
      - a. Without a SOAR Program, determine that no further action be taken; or
      - b. With a SOAR Program, determine that no further action be taken subject to review by the RISE team;
    - 2. If the complaint alleges a public offense, refer the complaint to the county attorney;
    - 3. Refer a public offense complaint for informal adjustment; or
    - 4. Based upon the results of the preliminary intake inquiry, other information obtained, and a determination that the interests of the child and the public would be better served, and with the written approval of the county attorney for a public offense complaint, if necessary, conduct a formal conference and enter into a diversion agreement;
- (8) Upon receiving written approval of the county attorney, if necessary, to divert a public offense complaint, and prior to conducting a formal conference, the court-designated worker shall advise in writing the complainant, the victim if any, and the law enforcement agency having investigative jurisdiction of the offense:
  - (a) Of the recommendation and the reasons therefor and that the complainant, victim, or law enforcement agency may submit within ten (10) days from receipt of such notice a complaint to the county attorney for special review; or
  - (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact that the child was statutorily entitled to divert the case;
- (9) A formal conference shall include the child and his or her parent, guardian, or other person exercising custodial control or supervision and may, upon agreement of the court-designated worker, the child, and his or her parent, guardian, or other person exercising custodial control or supervision, include other adult support persons who are a significant presence in the child's life. The formal conference shall be used to:
  - (a) Present information obtained at the preliminary intake inquiry; and
  - (b) Administer an evidence-based family screening tool to identify family

strengths, needs, and risks. Results from the family screening shall be used to develop a family diversion agreement that shall not exceed twelve (12) months in duration, and:

1. Shall include:
  - a. An individualized plan for the child and his or her parent, guardian, or other person exercising custodial control or supervision to address the needs of the child and the family;
  - b. A requirement that the child regularly attend school or participate in a specifically identified educational program agreed upon by the child, the court-designated worker, and the parent, guardian, or other person exercising custodial control or supervision that includes monitoring and reporting requirements to ensure compliance;
  - c. A plan for monitoring the child's and family's progress and completion of the agreement, and for communication between the family and the court-designated worker; and
  - d. For a child against whom a complaint alleging habitual truancy has been filed under KRS 159.140(3)(b), a requirement that if the child is absent from school without excuse for eight (8) days during one (1) school term, as defined in KRS 158.070, following the establishment of a family diversion agreement, the family shall immediately be considered to have failed to complete the family diversion agreement and subsection (10)(b)2. of this section shall immediately apply; and
2. May include:
  - a. Referral of the child, parent, guardian, or other person exercising custodial control or supervision of the child, or the family unit, if appropriate, to any or all of the following:
    - i. A public or private entity or person for the provision of identified services to address needs identified through the family screening;
    - ii. A community service program within the limitations provided under KRS 635.080(2);
    - iii. School-based resources such as mental health services, family resource and youth service centers, or other available services and programs;
    - iv. A restorative justice program; or
    - v. Any other available and appropriate program or service;
  - b. Restitution, limited to the actual pecuniary loss suffered by the victim, if the child has the means or ability to make restitution;
  - c. Notification that the court-designated worker may apply graduated sanctions to the child or parent, guardian, or other person exercising custodial control or supervision for failure to comply

with the family diversion agreement; and

- d. Any other provisions agreed upon by the court-designated worker, the child, and the parent, guardian, or other person exercising custodial control or supervision.
  3. Prior to developing the family diversion agreement, the court-designated worker shall contact the school district that the child attends to obtain background information from school personnel regarding family background, education records, any services previously provided, and any recommended trauma informed strategies.
  4. a. Upon developing a family diversion agreement, the court-designated worker shall electronically notify the director of pupil personnel at the school district that the child attends that the child has entered into a family diversion agreement, including the date of the agreement, and provide summary information regarding the child to be given to the individuals specified in this subparagraph. The summary information shall include the:
    - i. Child's name;
    - ii. Underlying charge for which diversion was granted;
    - iii. Date the child was placed on diversion; and
    - iv. Anticipated end date of the diversion period.
  - b. The summary information shall be accessible to the county attorney, who shall be provided the summary information and who may share that information with any law enforcement officer who specifically requests that information and who has a legitimate reason, related to his or her employment, to receive the information.
  - c. The summary information shall be accessible to the superintendent of the public school district in which the child is enrolled, or the principal of any private elementary or secondary school that the child attends, subject to the following:
    - i. A superintendent receiving the information pursuant to this subparagraph may share the information with the director of pupil personnel and any school resource officer or any other contract employee hired to provide security services for the school that the child attends; and
    - ii. A principal of a private school receiving the information pursuant to this subparagraph may share the information with any person who provides security services for the school that the child attends;
- (10) (a) If a child and his or her parent, guardian, or other person exercising custodial control or supervision successfully completes the family diversion agreement, the underlying complaint against the child shall be dismissed and further action related to that complaint shall be prohibited. Upon completion of the family diversion agreement, the court-designated worker shall electronically

notify the director of pupil personnel at the school district that the child attends, including the date the agreement was successfully completed.

- (b) 1. If a child fails to appear for a preliminary intake inquiry or declines to enter into a family diversion agreement, then:
    - a. For a public offense complaint, the matter shall be referred to the county attorney for review and possible formal court action; and
    - b. For a status offense complaint filed against a student from a school:
      - i. Without a SOAR Program, the court-designated worker shall refer the matter to the county attorney for review and further action;
      - ii. With a SOAR Program, the court-designated worker shall refer the matter to the RISE team; and
  - 2. a. If a child and his or her parent, guardian, or other person exercising custodial control or supervision fail to complete a family diversion agreement, then the court-designated worker shall review the case to determine the primary reason for the failure.
  - b. If the court-designated worker determines that the primary reason for the failure is lack of involvement by:
    - i. The parent, guardian, or other person exercising custodial control or supervision, then the court-designated worker shall refer the case to the cabinet and shall share the results of the family-based screening tool with the cabinet at the time of the referral. The cabinet shall conduct an investigation of suspected dependency, neglect, or abuse of the child as required by KRS 605.130 and notify both the court-designated worker and the county attorney of its planned course of action and recommendation of how to proceed; or
    - ii. The child, then the case shall be referred to the county attorney, and if a petition is filed, the child may request that the court dismiss the complaint based upon his or her substantial compliance with the terms of diversion;
- (11) If the county attorney refers a complaint for habitual truancy to the court, the county attorney shall electronically notify the director of pupil personnel at the school district that the child attends that the complaint has been filed, including the date of the filing;
- (12) If a complaint is referred to the court, the complaint and findings of the court-designated worker's preliminary intake inquiry and any family assessment conducted pursuant to subsection (9) of this section shall be submitted to the court for the court to determine whether process should issue; and
- (13) At any stage in the proceedings described in this section, the court or the county attorney may review any decision of the court-designated worker. The court upon its own motion or upon written request of the county attorney may refer any

complaint for a formal hearing.

**Effective:** July 15, 2026

**History:** Amended 2026 Ky. Acts ch. 68, sec. 4, effective July 15, 2026; and ch. 69, sec. 6, effective July 15, 2026. -- Amended 2024 Ky. Acts ch. 163, sec. 2, effective July 15, 2024. -- Amended 2023 Ky. Acts ch. 105, sec. 1, effective June 29, 2023. -- Amended 2014 Ky. Acts ch. 132, sec. 36, effective July 1, 2015. -- Amended 1988 Ky. Acts ch. 350, sec. 15, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 22, effective July 1, 1987.

**Legislative Research Commission Note (7/15/2026).** This statute was amended by 2026 Ky. Acts chs. 68 and 69, which do not appear to be in conflict and have been codified together.