

CHAPTER 69**(SB 170)**

AN ACT relating to status offenses.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

- (1) *A pilot program shall be established in no less than ten (10) public school districts selected by the Chief Justice of the Supreme Court to participate in a Supporting Opportunities for Accountability and Restoration Program, also known as the SOAR Program. The SOAR Program shall include at least one (1) school from each participating school district and shall begin August 1, 2026, and continue for four (4) years unless extended or limited by the General Assembly.*
- (2) *The Administrative Office of the Courts shall create and maintain a SOAR Program in each selected school to:*
 - (a) *Identify and address barriers to school attendance among students in grades six (6) through twelve (12); and*
 - (b) *Address barriers to successful completion of status offense diversions if a referral has been made to the RISE team as provided in subsection (6)(b) or (c) of this section.*
- (3) *All students in grades six (6) through twelve (12) of a school participating in the SOAR Program who have been absent without excuse for five (5) or more days during a school term, along with a parent, guardian, or other person exercising custodial control or supervision, shall participate in the SOAR Program.*
- (4) *Each selected school shall establish a Responsive Interventions to Support and Empower team, also known as the RISE team, whose members shall include:*
 - (a) *The director of pupil personnel;*
 - (b) *A family resource and youth services center representative of the school;*
 - (c) *The school's social worker or school counselor;*
 - (d) *A school resource officer;*
 - (e) *A local representative of the Department for Community Based Services;*
 - (f) *One (1) or more additional members, at least one (1) of whom shall be a representative of the:*
 1. *Community mental health center;*
 2. *Regional interagency council specified in KRS 200.509(1)(a) to (d) and (g);*
 3. *Corresponding local interagency council if a council exists; or*
 4. *An additional school-based mental health services provider as defined in KRS 158.4416; and*
 - (g) *The court-designated worker in the participating school district's judicial district or circuit.*
- (5) *The court-designated worker shall:*
 - (a) *Convene and facilitate the RISE team for each selected school district; and*
 - (b) *Provide case management support to the family of a participating student.*
- (6) *Each RISE team shall adopt a case management approach and process for reviewing:*
 - (a) *Families subject to a truancy intervention precomplaint;*
 - (b) *Referrals from the court-designated worker in cases in which a student has:*
 1. *Failed to appear for a preliminary intake;*
 2. *Declined to enter into a diversion agreement; or*
 3. *Failed to complete the terms of a diversion agreement; and*

- (c) *Status offense cases if the court-designated worker, after review of the complaint, has determined that no further action is necessary.*
- (7) *The RISE team shall meet with the student and the student's parent, guardian, or other person exercising custodial control or supervision to develop a family-specific improvement plan to address the barriers to school attendance or, if referred pursuant to subsection (6)(b) of this section, address the barriers to successful completion of a diversion agreement. The RISE team shall also identify resources to address the identified barriers and issues and assist in connecting the families to those resources.*
- (8) *The RISE team shall be a part of Kentucky's juvenile justice system under Section 8 of this Act and shall, subject to restrictions imposed by state or federal law, disclose and share with other identified agencies all information they maintain on a student in accordance with Section 8 of this Act.*
- (9) *Each participating school district shall provide attendance information necessary for the SOAR Program.*
- (10) *The Administrative Office of the Courts shall submit an annual report to the Legislative Research Commission for referral to the Interim Joint Committee on Judiciary and the Interim Joint Committee on Education beginning July 1, 2027, and by July 1 of each following year, that includes:*
 - (a) *The number of students referred to the SOAR Program;*
 - (b) *The services to which the family was referred;*
 - (c) *The number of students who completed the SOAR Program;*
 - (d) *The number of students who did not successfully complete the SOAR Program that resulted in a habitual truancy complaint and the reasons for the unsuccessful completion; and*
 - (e) *Recommendations for improvement of the SOAR Program.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO READ AS FOLLOWS:

- (1) *Upon receipt of a completed truancy intervention precomplaint form required under subsection (2) of Section 3 of this Act, the court-designated worker shall:*
 - (a) *Provide notice to the student and the student's parent, guardian, or other person exercising custodial control or supervision that they shall attend an initial meeting with the court-designated worker to discuss barriers to school attendance or other identified issues;*
 - (b) *At the initial meeting, the court-designated worker shall:*
 - 1. *Perform a family needs assessment to identify barriers to school attendance or, if referred pursuant to subsection (6)(b) of Section 1 of this Act, to address the barriers to successful completion of a diversion agreement, and to identify services to address these barriers and any other identified issues;*
 - 2. *Provide the results of the family needs assessment to the student and the student's parent, guardian, or other person exercising custodial control or supervision; and*
 - 3. *Provide the student and the student's parent, guardian, or other person exercising custodial control or supervision with notice to attend a mandatory meeting with the RISE team, together with the date, time, and either the physical location of the meeting if conducted in person, or the meeting access information, if conducted virtually;*
 - (c) *Provide the RISE team with the results of the family needs assessment no later than forty-eight (48) hours following the initial meeting;*
 - (d) *1. Convene and facilitate the RISE team to review and enhance the family-specific improvement plan to address barriers to school attendance, or barriers to completion of a diversion agreement if referred pursuant to subsection (6)(b) of Section 1 of this Act for each identified family; and*
 - 2. *Before the conclusion of the RISE team meeting, provide each identified family and each identified school with a written family-specific improvement plan;*
 - (e) *If applicable, review a family-specific improvement plan or a diversion agreement to incorporate modifications to a family-specific improvement plan or diversion agreement; and*

- (f) *Provide case management services to assist the family in achieving the goals of the family-specific improvement plan.*
- (2) (a) *Upon the accrual of fifteen (15) unexcused absences by a student who is participating in the SOAR Program, the court-designated worker shall notify the county attorney and shall provide the county attorney with a report on the efforts and results of the SOAR Program's work with the student and the parent, guardian, or other person exercising custodial control or supervision of the student.*
- (b) 1. *The county attorney shall, upon review of the report, determine if court intervention is appropriate against the student.*
- 2. *If the county attorney determines that court intervention is appropriate against the student, he or she shall notify the director of pupil personnel to immediately file a habitual truancy complaint.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 159 IS CREATED TO READ AS FOLLOWS:

In addition to the duties assigned under Section 4 of this Act, the director of pupil personnel, or an assistant appointed under KRS 159.080 shall:

- (1) *Upon a student in grades six (6) through twelve (12) becoming a truant as defined in KRS 159.150(1), provide written notice to the student and the student's parent, guardian, or other person exercising custodial control or supervision of the following:*
 - (a) *The number of the student's unexcused absences;*
 - (b) *An explanation of the attendance policy, including policies for required documentation for excused absences;*
 - (c) *Available resources and tools intended to prevent further unexcused absences; and*
 - (d) *Contact information with office hours for the parent, guardian, or other person exercising custodial control or supervision to contact the director of pupil personnel, or an assistant appointed under KRS 159.080, to discuss barriers to attendance and potential solutions to overcome those barriers;*
- (2) *Upon a student in grades six (6) through twelve (12) being absent without excuse five (5) days during a school year, provide notice to the court-designated worker using a truancy intervention precomplaint form of the following:*
 - (a) *The number and dates of the student's unexcused absences;*
 - (b) *A copy of the written notice provided to the student and the student's parent, guardian, or other person exercising custodial control or supervision required in subsection (1) of this section;*
 - (c) *Contact information for the parent, guardian, or other person exercising custodial control or supervision; and*
 - (d) *A description of the interventions and support services offered to the student and the student's parent, guardian, or other person exercising custodial control or supervision; and*
- (3) *Participate in the SOAR Program established in Section 1 of this Act if available at the school.*

➔Section 4. KRS 159.140 is amended to read as follows:

- (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:
 - (a) Devote his or her entire time to the duties of the office except as provided in subsection (2) of this section;
 - (b) Enforce the compulsory attendance and census laws in the attendance district he or she serves;
 - (c) Acquaint the school with the home conditions of a habitual truant as ~~defined~~ described in KRS 159.150(3), and the home with the work and advantages of the school;
 - (d) Ascertain the causes of irregular attendance and truancy, through documented contact with the custodian of the student, and seek the elimination of these causes, *which shall include performing the duties required in Section 3 of this Act in those schools within the district that are participating in the SOAR Program under Section 1 of this Act;*

- (e) Secure the enrollment in school of all students who should be enrolled and keep all enrolled students in reasonably regular attendance;
 - (f) Attempt to visit the homes of students who are reported to be in need of books, clothing, or parental care;
 - (g) Provide for the interviewing of students and the parents of those students who quit school to determine the reasons for the decision. The interviews shall be conducted in a location that is nonthreatening for the students and parents and according to procedures and interview questions established by an administrative regulation promulgated *in accordance with KRS Chapter 13A* by the Kentucky Board of Education. The questions shall be designed to provide data that can be used for local district and statewide research and decision-making. Data shall be reported annually to the local board of education and the Department of Education;
 - (h) Report to the superintendent of schools in the district in which the student resides the number and cost of books and school supplies needed by any student whose parent, guardian, or custodian does not have sufficient income to furnish the student with the necessary books and school supplies; and
 - (i) Keep the records and make the reports that are required by law, by *administrative* regulation of the Kentucky Board of Education, and by the superintendent and board of education.
- (2) A local school district superintendent may waive the requirement that a director of pupil personnel devote his or her entire time to his or her duties. The superintendent shall report the decision to the commissioner of education.
- (3) In any action brought to enforce compulsory attendance laws, the director of pupil personnel or an assistant shall document the home conditions of the student and the intervention strategies attempted and:
- (a) For a minor in kindergarten to grade five (5) whose parent or guardian is in violation of the provisions of KRS 159.010(1)(a) by allowing the child to be absent without excuse for fifteen (15) or more days during a school year, shall report the matter to the county attorney for determination of appropriate court intervention, if any; and
 - (b) For a minor in grade six (6) through twelve (12) who is a habitual truant as defined in KRS ~~159.150(3)~~~~[600.020]~~ and has been absent without excuse for fifteen (15) or more days during a school year, shall report the matter to the county attorney for a determination of appropriate court intervention and, if a complaint is filed with the court-designated worker, proceed under KRS 610.030(7)~~(6)~~.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Complaint" has the same meaning as in Section 9 of this Act;*
 - (b) *"Court-designated worker" has the same meaning as in Section 9 of this Act; and*
 - (c) *"Habitual truant" has the same meaning as in KRS 159.150(3).*
- (2) *The purpose of this section is to require the collection and reporting of data that will aid in the understanding of the impact that various interventions have on the attendance of students who are habitually truant.*
- (3) *Beginning in the 2027-2028 school year, each school district shall document the following information in the state student information system:*
- (a) *The filing of a complaint for habitual truancy by the school district with the court-designated worker;*
 - (b) *The resolution of the habitual truancy complaint filed with the court-designated worker, including the date of the resolution and whether the complaint was:*
 - 1. *Not pursued;*
 - 2. *Successfully diverted;*
 - 3. *Forwarded to the county attorney for court action; or*
 - 4. *Resolved in some other manner;*
 - (c) *The reporting of a student to the county attorney as required by subsection (3)(b) of Section 4 of this Act; and*

(d) *When a habitual truancy petition is filed with the court.*

(4) *By December 1, 2028, and then by December 1 of each year until December 1, 2031, the Kentucky Department of Education shall submit to the Legislative Research Commission for referral to the Interim Joint Committee on Education and the Interim Joint Committee on Judiciary an annual report that includes the information under this subsection for the prior school term. The information shall be reported by school district, and within each school district by gender, race, and grade level and contain the following:*

(a) *The number of students reported to the county attorney as required under subsection (3)(b) of Section 4 of this Act;*

(b) *The number of students against whom a complaint for habitual truancy is filed with the court-designated worker, and among those children:*

1. *The number of unexcused absences per student prior to the filing of the complaint for habitual truancy;*

2. *The number of students placed on diversion by the court-designated worker and the number of unexcused absences per student after the student is placed on diversion;*

3. *The number of students who successfully complete diversion and the number of unexcused absences per student after diversion is completed; and*

4. *The number of students whose case is referred to court on a habitual truancy complaint, and the number of unexcused absences per student after the complaint is referred to court; and*

(c) *The number of students who are withdrawn from a school district following the report to the county attorney under subsection (3)(b) of Section 4 of this Act.*

➔Section 6. KRS 610.030 is amended to read as follows:

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 subsection (2) of Section 3 of this Act, the court-designated worker shall proceed in accordance with Section 2 of this Act;*

(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)~~~~(4)~~ 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~~~~[as well as]~~ the formal conference~~[thereafter]~~;

- (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 ~~the family accountability, intervention, and response team~~ **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)~~~~(5)~~ 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)~~~~(6)~~ (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 subsection (3)(b) of Section 4 of this Act**~~under KRS 630.020(3) and is alleged to have been absent without excuse for fifteen (15) or more days during a school year~~, the court-designated worker shall, **if the county attorney elects not to refer the complaint for formal court action, proceed**~~refer the complaint to the county attorney. The county attorney shall then refer the complaint:~~
1. ~~For formal court action; or~~
 2. ~~To be handled~~ under subsection ~~(9)~~~~(8)~~ 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~~subject to review by the family accountability, intervention, and response team~~; **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)~~~~(7)~~ 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)~~~~(8)~~ 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*~~Develop a diversion agreement that shall:~~
 - a. ~~i. Require~~ 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 and family's progress and completion of the agreement, and for communication between the family and the court-designated worker; and*
 - d.~~iii.~~ For a child against whom a complaint alleging *habitual* truancy has been filed *under subsection (3)(b) of Section 4 of this Act, a requirement that*~~require that~~ if the child is absent from school without excuse for *eight (8)*~~four (4)~~ days *during one (1) school term, as defined in KRS 158.070, following the establishment of a family*~~during a~~ diversion agreement, the *family*~~child~~ shall immediately be considered to have failed to complete the *family* diversion agreement and subsection ~~(10)(b)2.~~~~(9)(b)3.~~ of this section shall immediately apply; and
- 2.~~b.~~ ~~[Not exceed twelve (12) months in duration, and]~~ May include:
 - a.~~i.~~ Referral of the child, *parent, guardian, or other person exercising custodial control or supervision of the child, or*~~and~~ *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*~~the complaint or assessed needs~~;
 - ii. ~~[Referral of the child, and family if appropriate, to]~~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.~~iii.~~ Restitution, limited to the actual pecuniary loss suffered by the victim, if the child has the means or ability to make restitution;
 - c.~~iv.~~ 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*~~v. Any other program or effort which reasonably benefits the community and the child; and~~
 - vi. ~~A plan for monitoring the child's progress and completion of the agreement].~~
- 3.~~2.~~ Prior to developing the *family* diversion agreement, the court-designated worker ~~for court-designated specialist]~~ 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.~~3.~~ Upon developing a *family* diversion agreement, the court-designated *worker*~~specialist]~~ 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*~~make all details of the agreement accessible to all members of the family,~~

~~accountability, intervention, and response team through an electronic platform provided by the Administrative Office of the Courts];~~

- (10)(9) (a) If a child *and his or her parent, guardian, or other person exercising custodial control or supervision* successfully completes *the family*~~[a]~~ 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~~[, or fails to complete a diversion agreement]~~, then:
- a.~~[1-]~~ For a public offense complaint, the matter shall be referred to the county attorney for *review and possible* formal court action; 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;]~~
- b.~~[2-]~~ For a status offense complaint *filed against a student from a school*:
- i. *Without a SOAR Program*,~~[except as provided for in subparagraph 3. of this paragraph,]~~ the court-designated worker shall refer the matter to the *county attorney*~~[family accountability, intervention, and response team]~~ for review and further action;
- ii. *With a SOAR Program, the court-designated worker shall refer the matter to the RISE team*; and
- 2.~~[3-]~~ 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*~~[For a status offense complaint alleging truancy for which the child failed diversion in accordance with subsection (8)(b)1.a.ii. of this section, the matter shall immediately be referred to the county attorney for formal court action.]~~
- ~~(c) If the child enters into a diversion agreement or is referred to the family accountability, intervention, and response team for truancy and there is no action implemented by the family accountability, intervention, and response team within thirty (30) days, the family accountability, intervention, and response team shall report to the court the reasons for inaction and shall provide a plan for action on the child's case. The court shall review on the record any diversion agreement and any report, without the attendance or appearance of the child, at regular intervals at the court's discretion to verify family accountability, intervention, and response team member attendance, team accountability, and performance.~~
- ~~(d) If a child fails to appear for a preliminary intake inquiry or fails to complete a diversion agreement due to lack of parental cooperation, the court designated worker shall make a determination that the child failed to complete the diversion due to lack of parent cooperation];~~

- ~~(11)~~~~(10)~~ *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~~
- ~~(11) If the court receives a report with a determination that the diversion is failed due to lack of parental cooperation, the court may order parental cooperation and refer the case back to the court-designated worker. The child shall not be detained upon this finding; and~~
- ~~(13)~~~~(12)~~ 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.

➔Section 7. KRS 605.030 is amended to read as follows:

- (1) A court-designated worker may:
- (a) Receive complaints;
 - (b) Review complaints taken by peace officers;
 - (c) Investigate complaints except neglect, abuse, and dependency;
 - (d) Perform an initial screening for human trafficking as defined in KRS 529.010 for referral to the cabinet for investigation as a case of dependency, neglect, or abuse;
 - (e) Dispose of complaints limited to a total of three (3) status or nonfelony public offense complaints per child and, with written approval of the county attorney, one (1) felony complaint that does not involve the commission of a sexual offense or the use of a deadly weapon;
 - (f) Administer oaths;
 - (g) Issue summonses;
 - (h) Issue subpoenas;
 - (i) Make advisory dispositional recommendations and provide, within forty-eight (48) hours, exclusive of weekends and holidays, information concerning a child who has chosen to waive the investigation pursuant to KRS 610.100;
 - (j) Perform *any*~~such~~ duties ~~as~~ required by KRS Chapter 645;
 - (k) Administer evidence-based screenings and assessments to identify the risk and needs of a child and his or her family;
 - (l) Enter into diversion agreements, including referral to programs or service providers, providing case management and service coordination, assisting with barriers to completion, and monitoring progress;
 - (m) Impose graduated sanctions, from least restrictive to most restrictive, in response to violations of the terms of a diversion agreement;
 - (n) Gather information necessary to track and record outcomes of all diversion agreement recommendations and final diversion disposition;
 - (o) Collaborate and cooperate with the ~~family accountability, intervention, and response team,~~ director of pupil personnel as appropriate, and service providers to ensure all appropriate interventions are utilized;
 - (p) Report annually to his or her local public school districts and to the Administrative Office of the Courts an inventory of all programs and service providers within the judicial district they serve;
 - (q) Request from the schools a student's education records pursuant to KRS 17.125; ~~and~~
 - (r) *Coordinate the SOAR Program; and*
 - (s) Perform ~~such~~ other functions related to activities of children as may be authorized or directed by the court.

- (2) Upon the filing of a petition which initiates a formal court action in the interest of the child, the court-designated worker's involvement, with the exception of the activities defined in subsection (1)(i) of this section, shall cease.
- (3) When a child is to be tried as an adult, the court-designated worker need not make dispositional recommendations.

➔Section 8. KRS 17.125 is amended to read as follows:

- (1) The following agencies are parts of Kentucky's juvenile justice system and shall, subject to restrictions imposed by state or federal law, disclose and share with each other all information they maintain on a juvenile in a facility or program or informal adjustment authorized by law:
 - (a) All sheriff's offices, police departments, and any other law enforcement agency;
 - (b) All Commonwealth's attorneys and county attorneys;
 - (c) The Attorney General;
 - (d) All jails and juvenile detention facilities, public and private;
 - (e) All courts and clerks of courts;
 - (f) The Administrative Office of the Courts;
 - (g) All departments within the Justice and Public Safety Cabinet;
 - (h) All departments within the Cabinet for Health and Family Services; and
 - (i) All **RISE**~~[family accountability, intervention, and response]~~ teams *as defined in Section 9 of this Act*.
- (2) Except as provided in this section, all information shared by agencies specified above shall be subject to applicable confidentiality disclosure, redisclosure, and access restrictions imposed by federal or state law.
- (3) Once a:
 - (a) Complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense; ~~or~~;
 - (b) *Child participates in a SOAR Program as defined in Section 9 of this Act offered at the child's school;*

all public or private elementary or secondary schools, vocational or business schools, or institutions of higher education shall provide all records specifically requested in writing, and pertaining to that child, to any of the agencies listed in subsection (1) of this section. Pursuant to the authority granted to the Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when this section refers to the release of educational records, the purpose of the release shall be limited to providing the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.

- (4) Any request for records, the provision of records, the sharing of records, the disclosure of records, or the redisclosure of records shall be done for official purposes only, on a bona fide need to know basis, and only in connection with a legitimate investigation, prosecution, treatment program, or educational program.
- (5) Information and records relating to pending litigation in Circuit Court, District Court, or a federal court and information and records relating to an ongoing investigation are not subject to disclosure or sharing under this section.
- (6) Obtaining or attempting to obtain a record relating to a minor or by sharing or attempting to share a record relating to a minor with an unauthorized person is a violation of this section.

➔Section 9. KRS 600.020 is amended to read as follows:

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

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

- (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:
 - 1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
 - 2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
 - 3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
 - 4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
 - 5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
 - 6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
 - 7. Abandons or exploits the child;
 - 8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being when financially able to do so or offered financial or other means to do so. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
 - 9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
 - 10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed; or
- (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;
- (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);
- (3) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:
 - (a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;
 - (b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;
 - (c) The parent has sexually abused the child and has refused available treatment;
 - (d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years; or
 - (e) The parent has caused the child serious physical injury;
- (4) "Beyond the control of parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645;
- (5) "Beyond the control of *the* school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's

- petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school;
- (6) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;
 - (7) "Cabinet" means the Cabinet for Health and Family Services;
 - (8) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;
 - (9) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;
 - (10) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;
 - (11) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;
 - (12) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;
 - (13) "Commitment" means an order of the court which places a child under the custodial control or supervision of the cabinet ~~for Health and Family Services~~, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless otherwise provided by law;
 - (14) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;
 - (15) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;
 - (16) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;
 - (17) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;
 - (18) "Deadly weapon" has the same meaning as ~~it does in~~ KRS 500.080;
 - (19) "Department" means the Department for Community Based Services;
 - (20) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;
 - (21) "Detention" means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted or closely supervised environment for his or her own or the community's protection;
 - (22) "Detention hearing" means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;
 - (23) "Diversion agreement" means a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services to serve the best interest of the child and to provide redress for that behavior without court action and without the creation of a formal court record;
 - (24) "Eligible youth" means a person who:
 - (a) Is or has been committed to the cabinet as dependent, neglected, or abused;

- (b) Is eighteen (18) years of age to nineteen (19) years of age; and
 - (c) Is requesting to extend or reinstate his or her commitment to the cabinet in order to participate in state or federal educational programs or to establish independent living arrangements;
- (25) "Emergency shelter" is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;
- (26) "Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional;
- (27) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, or an emotionally significant relationship with a biological parent, siblings, or half-siblings of the child in the case of a child from birth to twelve (12) months of age, prior to placement;
- (29) "Firearm" ~~has~~^{shall have} the same meaning as in KRS 237.060 ~~and 527.010~~;
- (30) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;
- (31) "Graduated sanction" means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include but are not limited to:
- (a) Electronic monitoring;
 - (b) Drug and alcohol screening, testing, or monitoring;
 - (c) Day or evening reporting centers;
 - (d) Reporting requirements;
 - (e) Community service; and
 - (f) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment;
- (32) "Habitual runaway" means any child who has been found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three (3) days during a one (1) year period;
- (33) "Habitual truant" means any child who *is alleged to be or* has been found by the court to ~~be~~^{have been} ~~reported as~~ a *habitual* truant as defined in KRS 159.150(3)~~(1) two (2) or more times during a one (1) year period~~;
- (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;
- (35) "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;
- (36) "Informal adjustment" means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;
- (37) "Intentionally" means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;
- (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is:
- (a) No more harsh, hazardous, or intrusive than necessary;~~or~~

- (b) Involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury~~;~~ or protection of the community;~~;~~ and~~is~~
 - (c) Conducted at the suitable available facility closest to the child's place of residence to allow for appropriate family engagement;
- (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- (40) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) "Nonsecure facility" means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;
- (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- (45) "Out-of-home placement" means a placement other than in the home of a parent, relative, or guardian, in a boarding home, clinical treatment facility, community-based facility, detention facility, emergency shelter, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;
- (46) "Parent" means the biological or adoptive mother or father of a child;
- (47) "Person exercising custodial control or supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;
- (48) "Petition" means a verified statement~~;~~ setting forth allegations in regard to the child~~;~~ which initiates formal court involvement in the child's case;
- (49) "Physical injury" means substantial physical pain or any impairment of physical condition;
- (50) "Physically secure facility" means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;
- (51) "Public offense action" means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;
- (52) "Qualified mental health professional" means:
- (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;
 - (c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;
 - (d) A licensed registered nurse with:
 - I. A master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons;~~;~~ or ~~a licensed registered nurse with~~

2. A bachelor's degree in nursing from an accredited institution who:
 - a. Is certified as a psychiatric and mental health nurse by the American Nurses Association; ~~and who~~
 - b. Has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing; ~~and who~~
 - c. Is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center; or
 - (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
 1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or
 4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;
- (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);

- (54) "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;
- (55) ***"Responsive Interventions to Support and Empower team" or "RISE team" means the interdisciplinary team established by a school participating in the SOAR Program under Section 1 of this Act;***
- (56) "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12) hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;
- ~~(57)~~~~(56)~~ "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;
- ~~(58)~~~~(57)~~ "Safety plan" means a written agreement developed by the cabinet and agreed to by a family that clearly describes the protective services that the cabinet will provide the family in order to manage risks to a child's safety;
- ~~(59)~~~~(58)~~ "School personnel" means those certified persons under the supervision of the local public or private education agency;
- ~~(60)~~~~(59)~~ "Secretary" means the secretary of the Cabinet for Health and Family Services;
- ~~(61)~~~~(60)~~ "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;
- ~~(62)~~~~(61)~~ "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;
- ~~(63)~~~~(62)~~ "Sexual abuse" includes but is not ~~necessarily~~ limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as ***those terms are*** defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;
- ~~(64)~~~~(63)~~ "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as ***those terms are*** defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as ***those terms are*** defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided~~for~~ under Kentucky law;
- ~~(65)~~~~(64)~~ "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;
- ~~(66)~~~~(65)~~ "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;
- ~~(67)~~~~(66)~~ "Statewide reporting system" means a system for making and compiling reports of child dependency, neglect, and abuse in Kentucky made via telephone call or in writing by a member of the public;
- ~~(68)~~~~(67)~~ (a) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include:
1. Beyond the control of ***the*** school or beyond the control of parents;
 2. Habitual runaway;
 3. Habitual truant; and
 4. Alcohol offenses as provided in KRS 244.085.

- (b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew;
- (69) "Supporting Opportunities for Accountability and Restoration Program" or "SOAR Program" means the pilot program established under Section 1 of this Act;**
- ~~(70)(68)~~ "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;
- ~~(71)(69)~~ "Transitional living support" means all benefits to which an eligible youth is entitled upon being granted extended or reinstated commitment to the cabinet by the court;
- ~~(72)(70)~~ "Transition plan" means a plan that is personalized at the direction of the youth that:
- (a) Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services; and
 - (b) Is as detailed as the youth may elect;
- ~~(73)(71)~~ "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:
- (a) Who was brought before the court and made subject to the order;
 - (b) Whose future conduct was regulated by the order;
 - (c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and
 - (d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States;
- ~~(74)(72)~~ "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- ~~(75)(73)~~ "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and
- ~~(76)(74)~~ "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO READ AS FOLLOWS:

- (1) A child who is alleged to be a status offender, adjudicated as a status offender, or a status offender alleged or found to have violated a valid court order may be detained as follows:**
- (a) A child who is under fourteen (14) years old shall not be detained in a secure juvenile detention facility but may be detained in a nonsecure setting approved by the Department of Juvenile Justice; and**
 - (b) A child who is fourteen (14) years of age or older may be detained in a nonsecure setting approved by the Department of Juvenile Justice or a secure juvenile detention facility.**
- (2) (a) Unless a shorter time period is established in this chapter or KRS Chapter 610, any child who may be detained in a secure juvenile detention facility shall not be detained for longer than seven (7) days unless a court makes written findings that further detention of the child is necessary for the protection of the child or the community.**
- (b) In no event shall the period of detention under paragraph (a) of this subsection exceed thirty (30) days.**

➔Section 11. KRS 158.135 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
- (a) "State agency children" means:

1. a. Those children of school age committed to or in custody of the Cabinet for Health and Family Services and placed, or financed by the cabinet, in a Cabinet for Health and Family Services operated or contracted institution, treatment center, facility, including those for therapeutic foster care and excluding those for nontherapeutic foster care; or
 - b. Those children placed or financed by the Cabinet for Health and Family Services in a private facility pursuant to child care agreements including those for therapeutic foster care and excluding those for nontherapeutic foster care;
 2. Those children of school age in home and community-based services provided as an alternative to intermediate care facility services for the intellectually disabled;
 3. Those children committed to or in custody of the Department of Juvenile Justice and placed in a department operated or contracted facility or program; and
 4. Those children referred by a *court-designated worker as defined in Section 9 of this Act*~~{family accountability, intervention, and response team as described in KRS 605.035}~~ and admitted to a Department of Juvenile Justice operated or contracted day treatment program;
- (b) "Current costs and expenses" means all expenditures, other than for capital outlay and debt service, which are in excess of the amount generated by state agency children under the Support Education Excellence in Kentucky funding formula pursuant to KRS 157.360. These expenditures are necessary to provide a two hundred thirty (230) day school year, smaller teacher pupil ratio, related services if identified on an individual educational plan, and more intensive educational programming; and
- (c) "Therapeutic foster care" means a remedial care program for troubled children and youth that is in the least restrictive environment where the foster parent is trained to implement planned, remedial supervision and care leading to positive changes in the child's behavior. Children served in this placement have serious emotional problems and meet one (1) or more of the following criteria:
1. Imminent release from a treatment facility;
 2. Aggressive or destructive behavior;
 3. At risk of being placed in more restrictive settings, including institutionalization; or
 4. Numerous placement failures.
- (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any county or independent school district that provides elementary or secondary school services to state agency children shall be reimbursed through a contract with the Kentucky Educational Collaborative for State Agency Children. The school services furnished to state agency children shall be equal to those furnished to other school children of the district.
- (b) The Department of Education shall, to the extent possible within existing appropriations, set aside an amount of the state agency children funds designated by the General Assembly in the biennial budget to reimburse a school district for its expenditures exceeding twenty percent (20%) of the total amount received from state and federal sources to serve a state agency child.
- (3) The General Assembly shall, if possible, increase funding for the education programs for state agency children by a percentage increase equal to that provided in the biennial budget for the base funding level for each pupil in the program to support education excellence in Kentucky under KRS 157.360 and, if applicable, by an amount necessary to address increases in the number of state agency children being served.
- (4) The Kentucky Educational Collaborative for State Agency Children shall make to the chief state school officer the reports required concerning school services for state agency children, and shall file with the Cabinet for Health and Family Services unit operating or regulating the institution or day treatment center, or contracting for services, in which the children are located a copy of the annual report made to the chief state school officer.
- (5) The Department of Juvenile Justice shall contract with a public university or nonprofit education entity utilizing all funds generated by the children in state agency programs, except Oakwood and Hazelwood funds, and the funds in the Kentucky Department of Education budget, pursuant to this section, as well as any other educational funds for which all Kentucky children are entitled. The total of these funds shall be utilized to provide educational services through the Kentucky Educational Collaborative for State Agency Children established in KRS 605.110.

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

➔Section 12. KRS 200.505 is amended to read as follows:

There is hereby created a State Interagency Council for Services and Supports to Children and Transition-Age Youth. The chairperson of the council shall be designated by the Governor and shall establish procedures for the council's internal procedures.

- (1) This council shall be composed of the following:

(a) Members who shall serve by virtue of their positions:

1. The commissioner of the Department of Education;~~;~~
2. The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities;~~;~~
3. The commissioner of the Department for Community Based Services;~~;~~
4. The commissioner of the Department for Public Health;~~;~~
5. The commissioner of the Department for Medicaid Services;~~;~~
6. The commissioner of the Department of Juvenile Justice;~~;~~
7. The director of the Division of Family Resource and Youth Services Centers;~~;~~
8. The executive director of the Office for Children with Special Health Care Needs;~~;~~
9. The executive officer of the Department of Family and Juvenile Services of the Administrative Office of the Courts;~~;~~
10. The chair of the Subcommittee for Equity and Justice for all Youth of the Juvenile Justice Advisory Board;~~;~~
11. The executive director of the Kentucky Housing Corporation;~~;~~
12. The executive director of the Kentucky Office of Vocational Rehabilitation;~~;~~ and
13. The president of the Council on Postsecondary Education, or their designees;

(b) The chairperson of the council shall appoint one (1) parent of a child or transition-age youth with a behavioral health need, who is a consumer of services and supports within the system of care to serve as a member of the council, and one (1) parent who meets the same criteria to serve as the parent member's alternate to serve in the absence of the parent member. For each appointment to be made, the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall vote on nominations submitted by members. The nominee receiving the most votes shall be appointed. Appointees shall serve a term of two (2) years and may be reappointed to additional two (2) year terms. If the child of the parent member or alternate parent member ceases to be a consumer of services and supports within the system of care during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment. The alternate parent member may attend and participate in all council meetings but shall vote only in the absence of the parent member. The parent member and alternate parent member shall receive no compensation in addition to that which they may already receive as service providers or state employees who are required to attend as part of their duties, but the parent member and alternate parent member shall be reimbursed for expenses incurred through the performance of their duties as council members if it is outside the scope of their job duties;

(c) The chairperson of the council shall appoint one (1) youth between the ages of sixteen (16) and twenty-five (25), who has a behavioral health disorder and who is receiving or has received services to address mental health, substance use, or co-occurring mental health and substance use disorder, to serve as a member of the council, and one (1) youth who meets the same criteria to serve as the youth member's alternate in the absence of the youth member. For each appointment to be made, the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall vote on nominations submitted by members. The nominee receiving the most votes shall be appointed. Appointees shall serve a term of two (2) years and may be reappointed to additional two (2) year terms, and the youth member and the youth member's alternate shall be eligible to serve out the remainder of their term of

appointment regardless of age. The alternate youth member may attend and participate in all council meetings but shall vote only in the absence of the youth member. The youth member and alternate youth member shall receive no compensation in addition to that which they may already receive as service providers or state employees who are required to attend as part of their duties, but the youth member and alternate youth member shall be reimbursed for expenses incurred through the performance of their duties as council members if it is outside the scope of their job duties;

- (d) The chairperson of the council shall appoint one (1) member of a nonprofit family organization representing consumers of services and supports within the system of care whose membership, leadership, and governance include parents, primary caregivers, or children or transition-age youth with serious emotional, behavioral, or mental health needs, to serve as a member of the council. For each appointment to be made, the chair shall publicly post on the State Interagency Council for Services and Supports to Children and Transition-Age Youth ~~website~~^[Web site] a solicitation for letters of interest from qualified organizations and submit all qualified responses to a vote of the full membership. The organization which receives the most votes shall designate a representative to serve a term of two (2) years, and may be reappointed to additional two (2) year terms. The family organization member shall receive no compensation in addition to that which the member may already receive as an employee who is required to attend as part of his or her duties, but shall be reimbursed for expenses incurred through the performance of duties as a council member if it is outside the scope of his or her job duties; and
 - (e) At the end of a term, a member shall continue to serve until a successor is appointed.
- (2) The State Interagency Council for Services and Supports to Children and Transition-Age Youth shall:
- (a) Make recommendations annually to the Governor and the Legislative Research Commission regarding the system of care for children and transition-age youth with or at risk of behavioral health needs;
 - (b) Direct each regional interagency council to *operate as the regional locus of accountability for the system of care*; ~~and~~
 - 1. ~~Operate as the regional locus of accountability for the system of care; and~~
 - 2. ~~Participate in family accountability, intervention, and response teams established pursuant to KRS 605.035;~~
 - (c) Assess the effectiveness of regional councils in serving as the locus of accountability for the system of care for children and transition-age youth with or at risk of behavioral health needs;
 - (d) Meet at least monthly and maintain records of meetings; and
 - (e) Develop a comprehensive array of services and supports to meet the needs of children and transition-age youth with or at risk of developing behavioral health needs.
- (3) Agencies represented on the state council shall adopt interagency agreements as necessary to advance the system of care.
- (4) The State Interagency Council for Services and Supports to Children and Transition-Age Youth may promulgate administrative regulations necessary to comply with the requirements of KRS 200.501 to 200.509.

➔Section 13. KRS 200.509 is amended to read as follows:

- (1) There are hereby created regional interagency councils for the system of care. These councils shall be formed in each area development district within the Commonwealth of Kentucky, except that those area development districts that contain a county with a population greater than one hundred thousand (100,000) may form up to three (3) such councils. The regional interagency councils shall be chaired by one (1) member, chosen by a majority vote of the members. Each council shall be composed of the following members:
- (a) The children's services director from each regional community mental health center or *his or her*~~[their]~~ designee;
 - (b) One (1) court-designated specialist or court-designated worker chosen by the executive officer of the Department of Family and Juvenile Services of the Administrative Office of the Courts;
 - (c) One (1) special education cooperative representative with behavioral health experience chosen by the directors of cooperatives in the area served by the regional council;
 - (d) One (1) parent of a child with a behavioral health need, who is or has been a consumer of system of care services and supports, and one (1) parent who meets the same criteria to serve as the parent

member's alternate, who may attend and participate in all council meetings, but shall vote only in the absence of the parent member. For each appointment to be made, the regional interagency council for which the appointment is to be made shall submit to the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth a list of two (2) names of parents who are qualified for appointment from which list the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall make the appointment. Appointees shall serve a term of two (2) years, and may be reappointed to additional two (2) year terms. If the child of the parent member or alternate parent member ceases to be a consumer of system of care services and supports during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment;

- (e) One (1) transition-age youth who has a behavioral health disorder and who is receiving or has received a service to address mental health, substance use, or co-occurring mental health and substance use disorder, and one (1) transition-age youth who meets the same criteria to serve as the youth member's alternate in the absence of the youth member. For each appointment to be made, the regional interagency council for which the appointment is to be made shall submit to the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth a list of two (2) names of transition-age youth who are qualified for appointment from which list the chair of the State Interagency Council for Services and Supports to Children and Transition-Age Youth shall make the appointment. Appointees shall serve a term of two (2) years, and may be reappointed to additional two (2) year terms. If the youth member or alternate youth member ceases to be a consumer of system of care services and supports during the term of appointment, the member shall be eligible to serve out the remainder of the term of appointment;
 - (f) Any other local public or private agency that provides services and supports to children and transition-age youth with behavioral health needs which the regional interagency council may invite to have a representative become a permanent or temporary member of the council; and
 - (g) One (1) representative from each of the Department of Juvenile Justice, family resource and youth services centers, the Kentucky Office of Vocational Rehabilitation, the Department for Community Based Services, and local health departments.
- (2) ~~At No~~ member of a regional interagency council for the system of care shall *not* be given compensation in addition to that which they already receive as service providers or state employees, except that the parent and youth members and alternate parent and youth members of regional interagency councils shall be reimbursed by the regional interagency council's contracted fiscal agent for all expenses incurred through the performance of their duties as council members if it is outside the scope of their job duties.
- (3) Each regional interagency council for the system of care shall perform the following functions:
- (a) Conduct regional system of care planning and operations;
 - (b) Coordinate system-level continuous quality improvement;
 - (c) Identify and develop system of care expansion opportunities;
 - (d) Promote awareness of the system of care;
 - (e) Initiate and adopt interagency agreements as necessary for providing services and supports to children and transition-age youth with or at risk of behavioral health needs by the agencies represented in the regional council; *and*
 - (f) Advise the state interagency council regarding the system of care within the region; ~~and~~
 - ~~(g) Participate in family accountability, intervention, and response teams established pursuant to KRS 605.035.~~
- (4) The secretary *of the Cabinet* for Health and Family Services and the designee of the *Kentucky*~~State~~ Department of Education shall ensure that regional interagency councils for the system of care are formed.
- (5) Local interagency councils for the system of care may be formed at the discretion of a regional interagency council to advance the functions of the regional interagency council at the city, county, or other local community level.

➔Section 14. KRS 605.130 is amended to read as follows:

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

- (1) Locate and plan for all children who are dependent, neglected, or abused;
- (2) Cooperate with and assist the courts of the various counties;
- (3) Assist Circuit Courts through services to children whenever requested by the court. The cabinet may charge a reasonable fee for such services to be taxed as costs by the court;
- (4) ~~[Assess all referrals received from a court designated worker, pursuant to direction from the family accountability, intervention, and response team, to determine whether a basis exists to file a dependency, neglect, or abuse petition;~~
- ~~(5)~~ Track and report to the oversight council created in KRS 15A.063 the number of referrals received, the number of investigations made upon those referrals, and the number and type of petitions filed in response;
- ~~(5)~~~~(6)~~ Identify all youth who have status offense charges and are committed or probated to the cabinet and report the number of committed and probated youth to the oversight council created in KRS 15A.063; and
- ~~(6)~~~~(7)~~ Perform such other services as may be deemed necessary for the protection of children.

➔Section 15. KRS 610.265 is amended to read as follows:

- (1) (a) Any child who is alleged to be a status offender or who is accused of being in contempt of court on an underlying finding that the child is a status offender may be detained ***in accordance with Section 10 of this Act***~~[in a nonsecure facility or a secure juvenile detention facility]~~ for a period of time not to exceed twenty-four (24) hours, exclusive of weekends and holidays, pending a detention hearing.
- (b) Any child who is accused of committing a public offense or of being in contempt of court on an underlying public offense may be detained in a secure juvenile detention facility or a nonsecure setting approved by the Department of Juvenile Justice for a period of time not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending a detention hearing.
- (2) ~~[Beginning July 1, 2024,]~~Any child accused of committing a public offense that would be considered a violent felony offense as defined in KRS 532.200 shall be detained in a secure juvenile detention facility for a period of time not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending a detention hearing, unless the detention hearing can be held within the time allotted to peace officers to retain custody of the child pursuant to KRS 610.200 or 610.220. This subsection shall not apply to any child ten (10) years of age or younger.
- (3) (a) Any child detained pursuant to subsection (2) of this section shall be assessed by a mental health professional, whose communications with the child shall be confidential in conformity with the Kentucky Rules of Evidence, to determine if the child exhibits behavior that indicates the child could benefit from cognitive behavioral therapy, other evidence-based behavioral health programs, substance use disorder treatment, or treatment in a psychiatric facility for serious mental illness.
- (b) Any treatment recommended under this subsection shall be provided by the Department of Juvenile Justice and may be provided pursuant to a contract between the Justice and Public Safety Cabinet and a behavioral health services organization.
- (c) If the child is released upon a detention hearing, a court may order the child to complete any recommended treatment. The Department of Juvenile Justice shall refer the child to an existing contractor or to other resources for the treatment.
- (4) Any child detained pursuant to subsection (2) of this section shall be permitted visitation from individuals representing organizations including nonprofit organizations, faith-based organizations, or community organizations, to connect them with, expose them to, or minister to them through programs including but not limited to trades, arts, sports, mentoring, counseling, support programs, or community-based programs. These organizations may offer transition services to any child who is released from detention.
- (5) Within the period of detention described in subsections (1) and (2) of this section, exclusive of weekends and holidays, a detention hearing shall be held by the judge or trial commissioner of the court for the purpose of determining whether the child shall be further detained. At the hearing held pursuant to this subsection, the court shall consider the nature of the offense, the child's background and history, and other information relevant to the child's conduct or condition.

- (6) If the court orders a child detained further, that detention shall be served as follows:
- (a) If the child is charged with a capital offense, Class A felony, or Class B felony, detention shall occur in a secure juvenile detention facility pending the child's next court appearance subject to the court's review of the detention order prior to that court appearance;
 - (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status offender, the child may be detained in **accordance with Section 10 of this Act** ~~in a secure juvenile detention facility for a period not to exceed twenty-four (24) hours after which detention shall occur in a nonsecure setting approved by the Department of Juvenile Justice~~ pending the child's next court appearance subject to the court's review of the detention order prior to the next court appearance;
 - (c) If a status offender or a child alleged to be a status offender is charged with violating a valid court order, the child may be detained in **accordance with Section 10 of this Act** ~~in a secure juvenile detention facility, or in a nonsecure setting approved by the Department of Juvenile Justice,~~ for a period not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending the child's next court appearance;
 - (d) Prior to ordering a status offender or alleged status offender who is subject to a valid court order ~~securely~~ detained **in accordance with Section 10 of this Act** because the child violated the valid court order, the court shall:
 1. Affirm that the requirements for a valid court order were met at the time the original order was issued;
 2. Make a determination during the adjudicatory hearing that the child violated the valid court order; and
 3. Within forty-eight (48) hours after the adjudicatory hearing on the violation of a valid court order by the child, exclusive of weekends and holidays, receive and review a written report prepared by an appropriate public agency that reviews the behavior of the child and the circumstances under which the child was brought before the court, determines the reasons for the child's behavior, and determines whether all dispositions other than ~~secure~~ detention have been exhausted or are inappropriate. If a prior written report is included in the child's file, that report shall not be used to satisfy this requirement. The child may be ~~securely~~ detained **in accordance with Section 10 of this Act** for a period not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending receipt and review of the report by the court. The hearing shall be conducted in accordance with KRS 610.060. The findings required by this subsection shall be included in any order issued by the court which results in the secure or nonsecure detention of a status offender; and
 - (e) If the child is charged with a public offense~~[-]~~ or contempt on a public offense, and the county in which the case is before the court is served by a state -operated secure detention facility under the statewide detention plan, the child shall be referred to the Department of Juvenile Justice for a security assessment and placement in an approved detention facility or program pending the child's next court appearance.
- (7) If, at the hearing conducted under subsection (5) of this section, the court conducts an adjudicatory hearing on the merits of a violation of a valid court order, that hearing shall conform to the requirements of KRS 630.080.
- (8) If the detention hearing is not held as provided in subsection (1) of this section, the child shall be released as provided in KRS 610.290.
- (9) If the child is not released, the court-designated worker shall notify the parent, person exercising custodial control or supervision, a relative, guardian, or other responsible adult, and the Department of Juvenile Justice or the cabinet, as appropriate.

➔Section 16. KRS 610.990 is amended to read as follows:

Any person who intentionally violates any of the provisions of this chapter shall be guilty of a Class B misdemeanor~~[-]~~ ~~except that an intentional violation of an order issued under KRS 610.030(11) shall be referred to the county attorney for prosecution under KRS 530.070(1)(c) if the case relates to truancy~~.

➔Section 17. KRS 630.010 is amended to read as follows:

In addition to those purposes set forth in KRS 600.010, this chapter shall be interpreted and construed to effectuate the following purposes regarding status offenders:

- (1) The Commonwealth's courts shall utilize a separate and distinct set of guidelines for status offenders which reflect their individual needs;
- (2) It shall be declared to be the policy of this Commonwealth that all its efforts and resources be directed at involving the child and the family in remedying the problem for which they have been referred;
- (3) ~~A status offender~~ ~~Status offenders shall not be detained in secure juvenile detention facilities or juvenile holding facilities after the initial detention hearing unless the child is~~ **accused of**, or **adjudicated for the violation of** ~~has an adjudication that the child has violated~~ a valid court order~~, in which case the child~~ may be securely detained **in accordance with Section 10 of this Act** for up to forty-eight (48) hours, exclusive of weekends and holidays, pending receipt of the written report required under KRS 630.080(4). Any period of secure detention prior to the detention hearing shall not exceed twenty-four (24) hours, exclusive of weekends and holidays;
- (4) Status offenders accused of violating a valid court order shall not be securely detained in intermittent holding facilities; and
- (5) Status offenders accused of or found guilty of violating a valid court order shall not be converted into public offenders by virtue of this conduct.

➔Section 18. KRS 630.040 is amended to read as follows:

Any person taking a child into custody, with all reasonable speed, shall in this sequence:

- (1) Deliver the child suffering from a physical condition or illness which requires prompt medical treatment to a medical facility or physician. Children suspected of having a mental or emotional illness shall be evaluated in accordance with the provisions of KRS Chapter 645;
- (2) Contact a court designated worker who shall have the responsibility for determining appropriate placement pursuant to KRS 610.200(5);
- (3) If the court designated worker determines that the placements designated in KRS 610.200(5) and subsection (1) of this section have been exhausted or are not appropriate, a child may be delivered to a secure juvenile detention facility, a juvenile holding facility, or a nonsecure setting approved by the Department of Juvenile Justice, **in accordance with Section 10 of this Act**, pending the detention hearing;
- (4) When the child has not been released to his **or her** parents or person exercising custodial control or supervision, the person taking the child into custody shall make a reasonable effort promptly to give oral notice to the parent or person exercising custodial control or supervision of the child;
- (5) In all instances the peace officer taking a child into custody shall provide a written statement to the court designated worker of the reasons for taking the child into custody;
- (6) If the child is placed in an emergency shelter or medical facility, during the adjudication and disposition of his case, the court may order his **or her** parents to be responsible for the expense of his care; and
- (7) The peace officer taking the child into custody shall within three (3) hours of taking a child into custody file a complaint with the court, stating the basis for taking the child into custody and the reason why the child was not released to the parent or other adult exercising custodial control or supervision of the child, relative or other responsible adult, a court designated agency, an emergency shelter or medical facility. Pending further disposition of the case, the court or the court designated worker may release the child to the custody of any responsible adult who can provide adequate care and supervision.

➔Section 19. KRS 630.050 is amended to read as follows:

Before commencing any judicial proceedings on any complaint alleging the commission of a status offense, except as permitted under KRS 610.030(7)~~(6)~~, the party or parties seeking such court action shall meet for a conference with a court-designated worker for the express purpose of determining whether or not:

- (1) To refer the matter to the court by assisting in the filing of a petition under KRS 610.020;
- (2) To refer the child and his family to a public or private social service agency. The court-designated worker shall make reasonable efforts to refer the child and his family to an agency before referring the matter to court; or
- (3) To enter into a diversionary agreement.

➔Section 20. KRS 630.070 is amended to read as follows:

A ~~Not~~ status offender shall *not* be placed in a secure juvenile detention facility or juvenile holding facility as a means or form of punishment except *in accordance with Section 10 of this Act*, following a finding that the status offender has violated a valid court order.

➔Section 21. KRS 630.080 is amended to read as follows:

- (1) (a) In order for the court to detain a child after the detention hearing, the Commonwealth shall establish probable cause at the detention hearing that the child is a status offender and that further detention of the child is necessary for the protection of the child or the community.
- (b) If the Commonwealth fails to establish probable cause that the child is a status offender, the complaint shall be dismissed and the child shall be released.
- (c) If the Commonwealth establishes probable cause that the child is a status offender, but that further detention of the child is not necessary for the protection of the child or the community, the child shall be released to the parent or person exercising custodial control or supervision of the child.
- (d) If grounds are established that the child is a status offender, and that further detention is necessary, the child may be placed in a nonsecure setting approved by the Department of Juvenile Justice;
- (2) *Notwithstanding Section 10 of this Act*, a status offender may be securely detained if the cabinet has initiated or intends to initiate transfer of the youth by competent document under the provisions of the interstate compact pursuant to KRS Chapter 615;
- (3) The appropriate public agency shall:
 - (a) Within twenty-four (24) hours, exclusive of weekends and holidays, of receiving notification, as provided in KRS 15A.305(3), that a status offender or alleged status offender has been detained on the allegation that the child has violated a valid court order, meet with and interview the child; and
 - (b) Within forty-eight (48) hours, exclusive of ~~weekends~~~~weekend~~ and holidays, of the detention hearing required under KRS 610.265, prepare and deliver to the court the completed written report required by subsection (4) of this section and KRS 610.265 if the child remains in detention after the detention hearing, and prior to the disposition hearing if the child has not been detained; and
- (4) (a) A status offender or alleged status offender who is subject to a valid court order may be ~~securely~~ detained *in accordance with Section 10 of this Act* upon a finding that the child violated the valid court order if the court does the following prior to ordering that detention:
 1. ~~(a)~~ Affirms that the requirements for a valid court order were met at the time the original order was issued;
 2. ~~(b)~~ Makes a determination during the adjudicatory hearing that the child violated the valid court order; and
 3. ~~(c)~~ a. Within forty-eight (48) hours after the adjudicatory hearing on the violation of a valid court order by the child, exclusive of weekends and holidays, the court:
 - i. Receives and reviews a written report prepared by an appropriate public agency that reviews the behavior of the child and the circumstances under which the child was brought before the court,
 - ii. Determines the reasons for the child's behavior; ~~and~~
 - iii. Determines whether all dispositions other than ~~secure~~ detention *in accordance with Section 10 of this Act* have been exhausted or are inappropriate.
 - b. If a prior written report is included in the child's file, that report shall not be used to satisfy this requirement.
- (b) The child may be ~~securely~~ detained *in accordance with Section 10 of this Act* for a period not to exceed forty-eight (48) hours, exclusive of weekends and holidays, pending receipt and review of the report by the court *under paragraph (a)3. of this subsection*.

- (c) The hearing shall be conducted in accordance with the provisions of KRS 610.060. The findings required by this subsection shall be included in any order issued by the court which results in the ~~secure or nonsecure~~ detention of a status offender.

➔ Section 22. The following KRS sections are repealed:

605.035 Family accountability, intervention, and response teams -- Purpose -- Membership.

630.100 Detention of adjudicated status offender.

Signed by Governor April 10, 2026.