JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amendment)

505 KAR 1:180. Day treatment admissions.

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 605.150, 635.095, 635.100(7), 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes the admissions requirements for department day treatment programs.

Section 1. General.

(1) A juvenile's admission to a day treatment program shall depend on the program's capacity.

(2) Prior to a juvenile being placed in a day treatment program, an assessment of the juvenile's individual needs shall be completed.

(3) The Department of Juvenile Justice shall provide services to juveniles in day treatment programs without discrimination on the basis of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.

Section 2. Eligibility Criteria for Day Treatment Admissions.

(1) Juveniles ages twelve (12) to seventeen (17) shall be eligible for admission consideration for a day treatment program. Juveniles aged eighteen (18) shall only be eligible for admission to a department day treatment program if they are committed to DJJ and have educational needs that can best be met in the day treatment setting.

(2) Admission priority shall be given to juveniles in the following order:

(a) DJJ committed or probated juveniles;

(b) Other juveniles adjudicated on public or status offenses;

(c) Juveniles who are court ordered;

(d) Juveniles referred by the FAIR Team;

(e) Juveniles referred by the Department of Community Based Services; and

(f) School-referred juveniles with severe behavioral issues in the school and in the community.

Section 3. Referral Process.

(1) The referring agent shall provide to the Superintendent or designee a written referral for the juvenile that includes the following information:

(a) Identifying information: name, address, date of birth, sex, and race or ethnic origin;

(b) Reason for referral, including presenting problems;

(c) Emergency contact information and date information was gathered;

(d) Name of referring agency or committing authority;

(e) Education and school history;

(f) Social history if applicable;

(g) Special medical problems or needs;

(h) Personal physician, if applicable;

(i) Legal status, including jurisdiction, length, and conditions of placement;

(j) Signature of both interviewee and employee gathering information;

(k) Needs assessment for a juvenile who is probated, committed, or sentenced to the department; and

(l) Any other information pertinent to the juvenile.

(2) A referral that does not include adequate information may be denied by the superintendent.

(3) The referring individual or agency shall be notified of a decision within two (2) weeks of the program receiving a complete referral packet. If the juvenile is not admitted, a written response shall be provided to the referring individual or agency with recommendations for other services or placement options.

(4) Upon written request from the respective juvenile, an explanation of the reason the juvenile was not accepted into the program shall be provided.

Section 4. Accommodations. A juvenile or caregiver may request an accommodation for a disability through any day treatment program staff. A day treatment program shall make accommodation for a juvenile with a disability. The day treatment program shall make appropriate referrals for care and treatment, if needed, and may provide connection to resources if a juvenile has a disability that manifests in behaviors that may present a threat to self or others. The program shall follow each child's Individual Education Plan and 504 Plan.

Section 5. Admission Revocation and Removal from Program. Once a juvenile has been admitted, the superintendent in consultation with the treatment team may revoke the admission approval and request the juvenile's removal from the program. The reason for removal shall be documented, and may include:

(1) Fighting or violent behavior;

(2) Chronic program disruption;

(3) Truancy or failure to attend; or

(4) Failure to make progress in the program including:

(a) Non-productivity;

(b) Not completing assigned work;

(c) Sleeping; or

(d) Other indicators of lack of progress in the educational program.

(45 Ky.R. 1859, 2664; eff. 4-5-2019; 49 Ky.R. 2373; eff. 3-5-2024.)

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at noon

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2023, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegsContact@ky.gov.