JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(New Administrative Regulation)

505 KAR 1:370. Treatment.

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, 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 requirements for the treatment of juveniles in the custody of the department.

Section 1. Treatment Plans.
(1) An individual treatment plan and aftercare plan shall be developed, implemented, reviewed, and updated as needed for each juvenile committed to the department. The juvenile and parent or caregiver shall be allowed input into the treatment plan.
(2) The ITP shall be informed by the juvenile's risk and needs assessments.
(3) If present and identified as a need area on the needs assessment, primary criminogenic needs of attitudes, personality, and relationships shall be given priority in treatment plan goal and task development to reduce recidivism.
(4) If present and identified as a need area on the needs or risk assessments, secondary criminogenic needs such as low levels of achievement and satisfaction in school or at work, substance abuse, parenting or caregiver problems, and lack of involvement in prosocial leisure and recreation opportunities shall also be addressed in treatment plan goal and task development.
(5) The treatment plan may address responsivity issues.
(6) The treatment plan shall address court ordered treatment or if the youth is a declared juvenile sex offender.
(7) The aftercare plan shall address housing, counseling, and medical service needs and may include education and employment needs. The juvenile and parent or caregiver shall be allowed input into the aftercare plan.

Section 2. Treatment Team.
(1) A juvenile in a youth development center or group home shall have a designated treatment team to review, update, and implement the juvenile's individual treatment plan.
(2) The treatment team shall be responsible for making all treatment decisions regarding a juvenile.
(3) The treatment team shall meet regularly with a juvenile.
(4) A juvenile shall participate in the treatment team meeting for major treatment decisions, including level movement, ITP, and placement planning. If appropriate, the treatment team shall go to the juvenile if the youth is unable to physically attend the meeting.

Section 3. Family Engagement. Each program shall maintain regular contact with the juvenile's parent or caregiver, including the initial individual treatment planning conference, family counseling sessions, and behavioral issues.

Section 4. Track and Level System.
(1) A juvenile in a youth development center or group home shall be placed in a misdemeanor or felony track. Each track shall include a level system that addresses the

juvenile's criminogenic needs associated with the risk to reoffend and be designed to provide a structured way for measuring progression toward treatment goals.

(2) A declared juvenile sexual offender shall receive treatment as outlined in 505 KAR 1:160 instead of through the track system.

Section 5. Misdemeanor or Felony Track.

(1) Each track shall contain four (4) levels: Orientation Level, Learning Level, Progress Level, and Graduation Level. A juvenile may be required to complete a Refocus Phase or Behavioral Revocation Unit (BRU) Refocus Phase separate from the levels to focus on disruptive behavior or thinking that has caused a barrier for ITP progression.

(2) The misdemeanor track maximum out-of-home timeframe shall be 120 days and may be completed earlier dependent upon the juvenile's progression through the levels.

(3) The felony track maximum out-of-home timeframe shall be 240 days and may be completed earlier dependent upon the juvenile's progression through the levels. For Youthful Offenders, the length of time in the Progress Level shall depend on individual treatment needs, offense severity, and length of sentence.

(4) The maximum out-of-home timeframes for misdemeanor and Class D felony adjudications shall comply with KRS 15A.0652. Any time spent in an out-of-home placement shall count toward the maximum out-of-home time allowed by statute.

(5) If out-of-home placement beyond the maximum timeframes is determined to be necessary for completion of treatment, a request for extension shall be submitted to the Administrative Transfer Request Committee. The ATR Committee may approve an extension after review of the facts and circumstances warranting the need for continued out-of-home placement. The maximum time the out-of-home placement may be extended is the maximum originally allowed under KRS 15A.0652 (3)(d)(1) and (2) and the total period of commitment shall not exceed that permitted under KRS 635.060.

Section 6. Levels.

(1) Movement through each level shall be determined by:

(a) Completion of level requirements;

(b) Behavioral compliance; and

(c) Completion of individual treatment plan tasks containing selected evidence-based practices to address criminogenic needs associated with the risk to reoffend, and the prosocial application of those tasks in daily life.

(2) Service delivery may be altered for a juvenile who has a cognitive, developmental, or physical disability to assist with successful progression through each level. A juvenile's progression through the levels shall not be extended due to a disability.

(3) A juvenile shall be assigned to the Orientation Level at admission. To advance to Learning Level, the juvenile shall successfully accomplish the following:

(a) Know and use staff and peer names;

(b) Participate in ITP meeting;

(c) Demonstrate knowledge of Resident Handbook material;

(d) Complete self-analysis assignment;

(e) Invite parent or guardian to ITP meeting;

(f) Complete Orientation Treatment Plan initial goals;

(g) Participate in developing educational and vocational goals;

(h) Become familiar with chores, living and employability skills, and educational and vocational programming;

(i) If assigned by counselor, begin to participate in treatment programming; and

(j) Begin discussing re-entry planning with treatment team.

(4) Learning Level. To advance to the Progress Level, a juvenile on Learning Level shall:

(a) Learn and work on ITP goals;

(b) Participate in educational and vocational requirements;

(c) Demonstrate working knowledge of program rules and expectations;
(d) Demonstrate appropriate social skills and problem-solving skills;
(e) Identify high risk thoughts, patterns of behavior, or negative peers and form positive relationships;
(f) Begin to demonstrate initiative, continue appropriate hygiene, and completion of chores;
(g) Complete treatment presentation to JSW and family;
(h) Participate in living and employability skills;
(i) Participate in discussions with treatment team about re-entry plan; and
(j) Begin discussion of the juvenile's actions that resulted in residential placement.

(5) Progress Level.

(a) A juvenile on Progress Level may be eligible for day passes. A juvenile on Progress Level shall only be eligible for furlough during the last week of this level.
(b) The discharge planning conference shall be conducted and the aftercare plan shall be completed while on this level.
(c) To successfully complete Progress Level and move to Graduation Level, the juvenile shall:

1. Consistently practice socially acceptable behavior;
2. Exhibit increased initiative (doing things without being told);
3. Consistently exhibit helpful interactions with peers, staff, and family. Treat others with dignity and respect;
4. Be able to discuss the progress made on each of the juvenile's goals and action steps;
5. Be able to handle increased privileges and responsibilities;
6. Demonstrate consistent work in treatment programming and modeling skills learned in daily interactions;
7. Begin to strengthen positive community support systems and further develop the aftercare plan;
8. Complete treatment presentation/demonstration to JSW and family on new skills learned;
9. Continue to build educational and vocational skills and progress in these goal areas;
10. Demonstrate motivation and pro-social qualities in living and employability skills;
11. Begin discussion of successful living/relapse prevention plan with support system; and
12. Demonstrate responsible behavior.

(6) Graduation Level. To successfully complete the Graduation Level, the juvenile shall:
(a) Demonstrate increased motivation to make good decisions;
(b) Show positive, consistent behavior demonstrating role model qualities;
(c) Show ability to discuss and plan for risks and strategies in ongoing conversations with support system;
(d) Be able to discuss how community interaction and peer interaction will be a factor when going home;
(e) Present successful living/relapse prevention plan to treatment team and support system;
(f) Identify and discuss with family, needs for success and support;
(g) Finalize or develop plan for continuing education or vocational learning;
(h) Be on track to complete treatment programming assigned by counselor;
(i) Show motivation and pro-social qualities when participating in living and employability skills;

(j) Become familiar with and show ability to follow aftercare conditions and expectations;
(k) If requested and approved by treatment team, successfully complete day pass; and
(l) Finalize re-entry plan with treatment team.

(7) Refocus Phase and BRU Refocus Phase.

(a) A juvenile may be placed on Refocus Phase as a result of a penalty slip through the disciplinary review process or the treatment team may place a juvenile on Refocus Phase for disciplinary reasons aside from the juvenile not progressing in treatment.

1. On Refocus Phase, a juvenile shall not complete any treatment goals or action steps listed on the ITP.

2. To return to the previous level, a juvenile must complete treatment assignments and expectations as directed by the treatment team.

(b) A juvenile may be placed on BRU Refocus Phase as a result of a revocation.

1. A juvenile on BRU Refocus Phase shall participate in living and employability skills, appropriate social interactions with peers and staff, and educational and vocational learning.

2. A juvenile on BRU Refocus Phase shall follow the Orientation Level for responsibilities and privileges.

Section 7. Administrative Transfers.

(1) A juvenile being stepped up within the level of placement continuum due to a major rule violation shall be placed at the beginning of the Orientation Level at the receiving facility for stabilization and assessment. The juvenile's ITP shall be reviewed and updated, if necessary, to reflect the ATR.

(2) Except as otherwise provided, a juvenile being moved within the level of placement continuum shall be observed for evaluation and orientation to the facility. Within fourteen (14) days, the juvenile shall be returned to their previous facility level, unless otherwise determined by the treatment team.

(3) If the treatment team anticipates an extension of the out-of-home timeframes set in KRS 15A.0652, an ATR shall be requested twenty-one (21) days prior to the projected release date.

Section 8. Extension of Out-of-Home Placement Timeframes for YDC and Group Home. If an extension of out-of-home placement is requested, one of the following criteria shall be present and documented in the Administrative Transfer Request (ATR):

(1) Safety concerns for the community or juvenile exist based on current behavior;

(2) The pending outcome of a Department of Community Based Services (DCBS) investigation on the proposed placement residence, if no other community residence is viable;

(3) The pending outcome of an Interstate Compact referral for a proposed home evaluation or courtesy supervision, if no other community residence is available;

(4) Further out-of-home placement is necessary for completion of treatment;

(5) The juvenile requests extension due to being fearful to return to the community based on historical threats of violence or retaliation from community acquaintances;

(6) The juvenile requests extension for educational purposes or independent living arrangements not to exceed thirty (30) days; and

(7) The occurrence of a revocation of supervised placement as a result of the issuance of the decision letter from the Director of Community and Mental Health Services for detention or placement.

(50 Ky.R. 265; eff. 3-5-2024.)

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at 3:59 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 22, 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 August 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.