

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

505 KAR 1:350. Religious practice.

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.160, 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 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 religious practice procedures for juveniles in the custody of the department.

Section 1. Religious Practice.

- (1) A juvenile in custody may engage in the religious practices of their faith. A juvenile shall not be discriminated against based on their religious belief or practice.
- (2) DJJ shall provide a juvenile the opportunity to participate in the practices of the juvenile's faith unless it is a threat to the safety of persons involved in the activity or the safety of the facility, the activity disrupts order in the facility or interferes with the treatment goals of the juvenile, or is not available.
- (3) A juvenile's participation in religious activities shall be voluntary. A juvenile shall not be penalized for not participating in religious activities.
- (4) A juvenile may designate any or no religious preference and indicate any religious accommodation needed upon intake to a facility or any time while a juvenile resides at the facility. A juvenile shall not be harassed or ridiculed because of a religious designation or coerced toward a religious designation.

Section 2. Religious Designation.

- (1) Religious designation documentation shall be in writing, signed, and dated by the juvenile and DJJ staff receiving the designation.
- (2) A juvenile shall submit a request to change their religious designation in writing.
- (3) Once a religious designation has been made, another designation cannot be made for ninety (90) days.

Section 3. Religious Accommodation Request.

- (1) A juvenile may request a religious item or practice that is not available at the facility, including a religious dietary accommodation.
- (2) A religious accommodation request shall be in writing, signed, and dated by the juvenile and DJJ staff receiving the accommodation request.
- (3) The religious accommodation request shall explain the item or practice wanted.
- (4) A decision regarding the accommodation request shall be made in writing within seven (7) business days from the date that it was received by DJJ staff.
- (5) Appeal. A juvenile may appeal an accommodation request that is denied.
 - (a) The appeal shall be made in writing and given to the religious program coordinator or superintendent within five (5) days after the receipt of the denial.
 - (b) The facility religious coordinator or superintendent shall submit the appeal to the commissioner for review and disposition within three (3) business days from receipt from the juvenile.
 - (c) The commissioner shall review the appeal and make a written determination within five (5) days of receipt.

Section 4. Religious Items.

- (1) A juvenile may possess items essential to the practice of their particular religious faith, if the item is allowed pursuant to Section 1(2) of this administrative regulation.
- (2) A religious item shall be subject to review before entering the facility through the accommodation process.
 - (a) Once an item has been approved, if money is available in the juvenile's account, the juvenile may pay for the item;
 - (b)
 1. If money is not available in the juvenile's account, the counselor shall consult the parent or caregiver to discuss payment for the item; or
 2. The agency religious program coordinator shall consult community religious resources for a request for a religious item for an indigent juvenile.

Section 5. Religious Contacts and Visits.

- (1) A juvenile may have a visit from a personal minister, pastor, or religious counselor at scheduled times and other times as approved by the Superintendent or designee.
- (2) If a juvenile requests assistance in obtaining a religious leader, the agency religious program coordinator or the facility religious coordinator shall provide assistance to the juvenile in finding a religious leader.
- (3) A juvenile may decline a visit with a personal minister, pastor, or religious counselor.
- (4) A volunteer minister, pastor, or religious counselor, approved by the facility religious coordinator, shall have access to each area of the facility identified for religious programming. DJJ staff shall not serve as a volunteer minister, pastor, or religious counselor in the facility where the staff member works.
- (5) A juvenile shall be allowed to have confidential communications with clergy.
- (6) A volunteer minister, pastor, or religious counselor, approved by the facility religious coordinator, shall comply with KRS 15A.0651, 610.320, and 610.340 regarding the confidentiality of juvenile information.

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.RegContact@ky.gov.