JUSTICE AND PUBLIC SAFETY CABINET

Department of Juvenile Justice

(New Administrative Regulation)

505 KAR 1:380. Mail, visiting, and telephone use.

RELATES TO: KRS 15A.065, 15A.0652, 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.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 and procedures for mail, visitation, and telephone use for juveniles in juvenile detention centers, youth development centers, and group homes.

Section 1. Mail.

(1) Notification that mail is subject to search and inspection shall be given to the juvenile and mailed to the juvenile's parent or caregiver within twenty-four (24) hours of admission.

(2) If a juvenile bears the mailing cost, there shall not be a limit on the volume of letters a juvenile may send or receive.

(3) A juvenile shall be allowed to mail five (5) first class letters each week, at no cost to the juvenile. The juvenile shall be allowed unlimited postage to contact their attorney. The postage allowance shall not be transferable to another juvenile.

(4) Mail received by the facility for the juvenile shall not be held more than twenty-four (24) hours, and packages shall not be held more than forty-eight (48) hours, excluding weekends and holidays. In an emergency situation in which normal facility procedure, policy, or activity is disrupted due to riot, escape, fire, natural disaster, employee action, or other serious incident, mail shall be delivered according to schedule when normal procedure and activity is restored.

(5) A first class letter or a package received for a juvenile who has been transferred or released shall be forwarded to the address designated by the juvenile or to the receiving facility. If there is no forwarding address, it shall be returned to the sender.

(6) A juvenile may send and receive a sealed, first class letter to and from court, counsel, and officials of DJJ or the Justice and Public Safety Cabinet, as well as those individuals on their approved mail list.

(a) Staff, in the presence of the juvenile, may inspect outgoing mail for contraband before it is sealed; and

(b) Mail received by the juvenile, from those listed in subsection 6, shall be opened only to inspect for contraband and only in the presence of the juvenile, unless waived in writing, marked as not privileged by the sender, or in circumstances that may indicate contamination.

(7) Mail shall be given to the Superintendent for a restriction determination, if the mail:

(a) Is marked with gang signs, symbols, or writing on the envelope;

(b) Is from a parent or other individual with a no contact order; or

(c) Was received from an incarcerated individual at another juvenile facility or correctional institution.

(8) Cash, checks, or money orders shall be removed from incoming mail and deposited in the juvenile's personal account with a receipt given to the juvenile.

(9) The treatment team shall assess the appropriateness of publications received by a juvenile on a case-by-case basis. Restrictions to access shall be directly related to the

maintenance of facility order, treatment, or security.

(10) The superintendent or designee shall notify the juvenile in writing if a mail restriction has occurred or a mail item has been returned.

(11) A facility shall inform a juvenile at orientation of the hours and procedures for mail and procedures regarding the approved senders list.

Section 2. Telephone Use.

(1) Telephone services available for a juvenile shall be reasonably priced with rates and charges commensurate with those charged to the general public for like services.

(2) A juvenile with a hearing or speech disability shall be given access to a Telecommunications Device for the Deaf or comparable equipment.

(3) A facility shall notify a juvenile at orientation of the hours and procedures for telephone access and procedures regarding the approved callers list.

(4) A juvenile shall require approval to make a telephone call.

(5) Procedures for access to the telephone may relate to the progress of the juvenile, as demonstrated by advancement through the level system, except calls to and from the juvenile's legal representative or juvenile service worker.

(6) A juvenile shall be permitted phone contact with a parent or caregiver not less than once per week, unless the superintendent determines there is a threat to facility order, treatment, or security.

(7) A juvenile shall be permitted phone contact with their attorney as needed, but the timing of the contact may be impacted by operational issues.

(8) Calls may be monitored, except calls to and from the juvenile's legal representative.

(9) Any telephone messages shall be transmitted to a juvenile as soon as practicable, but within twenty-four (24) hours.

Section 3. In Person Visitation.

(1) Visitation information shall be communicated to the juvenile and parent or caregiver within seventy-two (72) hours of admission.

(2) A juvenile shall have an approved visitors list.

(3) A secure program may retain the visitor's ID as the visitor signs in.

(4) A visitor of a juvenile shall be subject to search.

(5) Dress. A visitor shall be appropriately dressed. Lewd, revealing, transparent, gang affiliated, drug or alcohol affiliated, or offensive clothing, or any apparel that conveys a message contrary to treatment goals shall not be worn.

(6) Visitation Suspension. Visitation suspension shall be approved by the Superintendent or designee. Temporary suspension of visitation may occur for a juvenile or visitor due to a facility disruption or to support treatment goals as follows:

(a) For a visitor:

1. The visitor shall be notified of the suspension, in writing, within five (5) business days of the suspension determination; and

2. This notification shall include the conditions under which the suspension of visitation may be lifted.

(b) For a juvenile:

1. The juvenile shall be notified of the suspension.

2. This notice shall include the conditions under which the suspension of visitation may be lifted; and

3. Notification of the suspension shall be sent to the juvenile and parent or caregiver.

(c) To support treatment goals:

1. The temporary suspension shall require recommendation by the treatment team; and

2. Notification of the suspension shall be sent to the parent or caregiver.

(7) A visitor may be excluded from contact with a juvenile and the facility for the following reasons:
(a) Involvement in the juvenile's offense;
(b) Posing a threat to the safety of the juvenile or the security of the facility;
(c) Refusal to follow facility rules or procedures, including search;
(d) Appearing intoxicated or under the influence of drugs; or
(e) Facility documentation of a substantiated disruption during a previous visitation.
(8) Denial of visitation privileges shall be documented in writing. A copy of the denial and justification shall be sent to the excluded individual within five (5) business days of the denial determination.
(9) If available, teleconferencing or video conferencing may be coordinated by the juvenile's counselor with the juvenile service worker as a means for the parent or caregiver to contact the juvenile.
(10) Group visits shall comply with the following:
(a) A group wishing to visit the facility or a specific juvenile shall require advance approval from the superintendent;
(b) A group not routinely involved in the program or known to the facility superintendent or designee shall provide, in an advance, a written request for the visit to the superintendent for approval;
(c) Group visits shall be limited to those groups who have a legitimate, beneficial purpose for the juvenile or facility; and
(d) Each individual within a group shall be subject to the same requirements established for individual visitation.
(11) An approved visitor shall have the responsibility for providing their own transportation for visits.

Section 4. Approved List.
(1) A person that a juvenile may correspond with, telephone, or see for a visit shall be on the list approved by the superintendent or designee in consultation with the treatment team. The list shall include:
(a) Immediate family members;
(b) Guardian;
(c) Caregiver; and
(d) Attorney.
(2) Factors to be considered in approving a person for the list shall include:
(a) Treatment progress or disruption; and
(b) Safety or security of the juvenile, others, or the facility.
(3) Once approved, the superintendent and treatment team may exclude a person on the list based on a treatment or safety and security issue.

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.