

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

505 KAR 1:300. Juvenile records and information.

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 requirements for juvenile records and information maintained by the department.

Section 1. Confidentiality.

- (1) Staff, consultants, contract personnel, interns, and volunteers shall keep juvenile records and information confidential pursuant to KRS 15A.0651, 610.320, and 610.340. Staff, consultants, contract personnel, interns, and volunteers shall not seek information beyond that needed to perform their responsibilities. All staff, consultants, contract personnel, interns, and volunteers shall sign a confidentiality/security form as a condition of employment or providing services.
- (2) If another juvenile must be identified in a juvenile's case record for any reason, the juvenile's name shall be identified by first name and initial of the last name only.
- (3) A juvenile or a juvenile's parent or guardian shall make a written request for the juvenile's records to the offender information administrator.
- (4) Others seeking to access juvenile records shall make a request in writing to the open records coordinator at the address on the department Web site at <https://djj.ky.gov/Pages/index.aspx> at the records request page.

Section 2. Juvenile Records. A record shall be kept for each juvenile committed to, in the custody of, or in placement with DJJ, which shall include the following:

- (1) Court documents, including authority to accept, release, or discharge;
- (2) Initial intake information;
- (3) Photograph;
- (4) Biographical data, including:
 - (a) A birth certificate, if available;
 - (b) The Social Security card, if available; and
 - (c) Government-issued identification, if available;
- (5) Juvenile personal property inventory;
- (6) Any grievances filed by or about the juvenile;
- (7) Assessment data, including case history or social history, if available;
- (8) Alternative to Secure Detention Program data, if applicable;
- (9) All incident reports involving the juvenile;
- (10) Any IIB report in which the juvenile was the alleged victim;
- (11) Behavior contracts;
- (12) Release summary for any release;
- (13) Records of any DJJ previous detainment;
- (14) Education records, including:
 - (a) Individual learning plan; and
 - (b) Education grades and credits;
- (15) Disciplinary records;

- (16) Transfer records;
- (17) If the juvenile is a youthful offender:
 - (a) Resident record card;
 - (b) Pre-sentence investigation;
- (18) Information regarding co-defendants, emergency protective orders, security threat group affiliation, and other known conflicts; and
- (19) Emergency medical information, such as the need for an EPEE Pen or steroid inhaler. All other medical information shall be in the medical record only.

Section 3. Medical Record. The juvenile's medical record shall be maintained separately.

Section 4. Transfer of Records. All records, including medical records, regarding the juvenile shall be available electronically or transferred to any facility to which the juvenile is transferred.

Section 5. Victim Information and Notification Everyday (VINE). For youthful offenders, the statutorily required information shall be entered into the VINE system so that victims are notified of the juvenile's location.

Section 6. Security Threat Groups.

- (1) The department shall identify juveniles active or associated with security threat groups and monitor the STGs for the purpose of maintaining institutional safety.
- (2) All information regarding STGs shall be considered confidential and used only for official department or law enforcement purposes.

(50 Ky.R. 251; 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.RegContact@ky.gov.