JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Amended After Comments)

505 KAR 1:100. 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.069, 15A.160, 15A.305, 605.150, 635.095, 635.100(7), 640.120, 645.250
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.069, 15A.160, 15A.305(5), 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 admission, classification, and notice requirements for juveniles in the custody of the department in juvenile detention centers, youth development centers, and group homes.

Section 1. Admission to a Juvenile Detention Center.
(1) The agency or individual presenting a juvenile at a secure detention facility shall provide documentation authorizing detention or the juvenile shall not be accepted for admission.
(2) A juvenile with a serious physical injury or medical condition requiring skilled nursing care or who reports or appears to be under the influence of a drug or alcohol shall be denied admission until seen by a medical professional and determined to be medically stable.
(3) A juvenile may be housed to best accommodate their medical needs, if possible.
(4) Juveniles shall be housed so as to reduce known risk factors, including proximity and interaction with co-defendants and others with whom they have emergency protective or other no-contact orders, security threat group assessments, suicide risk, and assaultive and disruptive behavior, and meet identified developmental and individual needs.
(5) Until a plan outlined in Section 6 of Senate Bill 162 enacted during the 2023 Regular Session is operational, DJJ shall continue to operate under the current emergency structure, and shall operate at least one female only detention facility and for male youth, DJJ shall operate both high-security detention facilities and low-security detention facilities.
(a) The high-security detention centers shall house juveniles fourteen (14) years of age or older that are accused of having committed a Class C felony. The offense allegations for juveniles charged with a Class D felony may be reviewed for concerns of violence and placement in a high-security detention center.
(b) The low-security detention centers shall house juveniles thirteen (13) years of age or younger that are accused of having committed a Class C felony or above and all juveniles that are accused of having committed a Class D felony or below, except as provided in paragraph (a) of this subsection.
(6) DJJ may determine and designate the detention center in which a juvenile will be detained based on multiple factors such as safety, security, staffing needs, and the fluctuating number of juveniles and capacities at different locations, and known risk factors, including proximity and interaction with co-defendants and others with whom they have emergency protective or other no-contact orders, security threat group assessments, suicide risk, and assaultive and disruptive behavior, and meet identified developmental and individual needs.
(7) DJJ may transfer a juvenile initially placed at a low-security detention center to a high-security detention center if the juvenile has:

(a) Injured or endangered the life or health of self, another juvenile, or staff at the detention center;
(b) Caused disruption in a detention center;
(c) Smuggled contraband into a detention center;
(d) Escaped from a detention center;
(e) Established a pattern of disruptive behavior not conducive to the operations and procedures of a low-security detention center;
(f) A medical issue; or
(g) Another factor that causes an operational or security issue that can be addressed by the transfer.

(8) DJJ may transfer a juvenile initially placed at a high-security detention center to a low-security detention center if the juvenile has:
(a) A special vulnerability, for example, small stature or low weight compared to other juveniles in the facility;
(b) A medical issue; or
(c) Another factor that causes an operational or security issue that can be addressed by the transfer.

Section 2. Placement of Committed Juveniles.

(1) Juveniles committed or sentenced to the Department of Juvenile Justice shall be assessed and placed based upon the least restrictive environment within which the juvenile's treatment needs can safely be met, identifying special needs of a juvenile, and identifying the level of structure and supervision required by a juvenile subject to bed availability.
(2) A juvenile shall be placed according to the classification procedures listed in the Classification and Placement Manual.

Section 3. Juvenile Rights. A written list of rights shall be provided to each juvenile during the admission process and signed by the juvenile. The following rights shall be afforded to all juveniles:

(1) Juveniles shall have the right of access to the courts and confidential contact with attorneys.
(2) Juveniles shall be free from discrimination based on race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status in making administrative decisions and providing access to programs.
(3) The juvenile and parents or guardians shall be involved in the treatment planning process to the maximum extent possible.
(4) The juvenile's records shall be confidential.
(5) Audiovisual or tape recordings used as a part of the juvenile's treatment shall only be used for teaching or therapy purposes with written permission from the juvenile and parents or guardians.
(6) Juveniles may participate in research studies approved by the Commissioner's Office with prior written informed consent of the juvenile and parents or guardians.
(7) Juveniles shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, and physical, sexual, and emotional abuse. This shall prohibit corporal punishment, intentional injury, use of intimidation, threatening, or abusive language toward the juvenile, either verbally, in writing, or by gesture. Any suspected abuse or neglect of a juvenile shall be reported in accordance with KRS 620.030.
(8) An academic and vocational program to meet an individual juvenile's needs shall be provided.
(9) Each juvenile detention center, youth development center, and group home shall designate space and time frames for juveniles to voluntarily participate in religious

activities. Religious practices that pose a danger to the juvenile, other juveniles, or staff, or that create a danger to the security of the facility shall be prohibited.

(10) Juveniles shall have the right to refuse to participate in uncompensated work assignments unless the work is related to housekeeping or maintenance of the facility or personal hygienic needs, or the work is part of an approved vocational or training program.

(11) Access to medical, dental, and mental health care including twenty-four (24) hour emergency medical services shall be provided for juveniles in juvenile detention centers, youth development centers, and group homes.

(12) Living units shall have adequate lighting, heat, ventilation, and an overall safe environment maintained in compliance with state and local fire and safety laws and regulations.

(13) Juveniles shall be afforded daily opportunity for personal hygiene.

(14) Three meals a day and two snacks shall be provided to each juvenile in residential facilities. Special diets shall be provided when necessary to meet health or religious requirements.

(15) Juveniles shall be afforded the opportunity for a sufficient night's sleep in residential facilities.

(16) Juveniles shall be informed of the right to file a grievance.

(17) Juveniles shall be informed of the procedures for contacting outside investigative units to report any act in which the health or welfare of a resident is harmed or threatened with harm by a facility staff person. The juvenile shall sign an acknowledgment of receipt of these procedures.

(18) Telephones programmed to dial directly to the Internal Investigations Branch shall be installed and kept in good working order in each residential facility. A toll-free number for contacting the IIB shall be available and conspicuously posted in juvenile access areas of group homes and detention facilities. Telephones shall be located in areas that provide maximum availability while preserving program scheduling and services.

(19) Juveniles may also report allegations of dependency, abuse, neglect, and special incidents to the Cabinet for Health and Family Services.

Section 4. Out-of-State Placement. Referrals for out-of-state placement may be initiated if there are no resources within Kentucky to meet the juvenile's specific treatment needs.

Section 5. Incorporation by Reference.

(1) The "Classification and Placement Manual", Amended 2/11/19, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice Web site at https://djj.ky.gov/About%20DJJ/Pages/lrcfilings.aspx.

(29 Ky.R. 852; 1268; eff. 11-12-2002; 32 Ky.R. 1478; 2027; eff. 7-7-2006; 35 Ky.R. 1851; 2454; 2741; eff. 7-6-2009; 42 Ky.R. 519; 1561; eff. 1-4-2016; 45 Ky.R. 2171, 2663; eff. 4-5-2019; 49 Ky.R. 2370, 50 Ky.R. 839; eff. 3-5-2024.)

VICKI REED, Commissioner

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