

STATEMENT OF EMERGENCY
505 KAR 1:140E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare. KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities across the Commonwealth of Kentucky. While juveniles are in DJJ's custody, the DJJ is responsible for the health and safety of those juveniles. This requires protecting the juveniles from themselves and each other, sometimes by using restrictive housing and protective custody in instances where a juvenile poses a serious assault risk to other juveniles and staff. Restrictive housing and protective custody placements may occur any day due to the changing population and needs of the juveniles in DJJ's custody. The United States Department of Justice recommended that DJJ make changes to its regulations and policies governing the use of restrictive housing and protective custody placements, and DJJ determined that more frequent medical and mental health evaluations, as well real time process review by persons with higher levels of governmental authority, are necessary to protect the health and safety of juveniles in such placements. This administrative regulation is being filed on an emergency basis to ensure the additional safeguards included in 505 KAR 1:410E intended to protect juveniles placed in restrictive housing and protective custody are implemented immediately and that there exists no conflict between 505 KAR 1:410E and the policy deleted as a result of this emergency administrative regulation amendment.

(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before additional juveniles will be placed in restrictive housing and protective custody with less monitoring and less scrutiny than the amount DJJ now believes is appropriate.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new evaluation timelines and levels of scrutiny are the new standards DJJ believes is appropriate to safeguard juveniles in the DJJ's custody going forward.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
RANDY WHITE, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Emergency Amendment)

505 KAR 1:140E. Department of Juvenile Justice Policies and Procedures Manual: detention services.

RELATES TO: KRS 15A.065, 15A.067, 15A.200-15A.245, 15A.305, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 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 incorporates by reference policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.

(1) The "Department of Juvenile Justice Policy and Procedures Manual: Detention Services", June 13, 2023, is incorporated by reference and includes the following:

- 700 Definitions (Amended 06/13/23)
- 700.1 Detention Services Delivery System (Amended 06/13/23)
- 701 Criteria for Admissions (Amended 03/30/18)
- 702 Intake, Reception and Orientation (Amended 07/10/18)
- 703 Detention Risk Assessment (Amended 03/30/18)
- 704 Alternatives to Secure Detention (Amended 01/13/23)
- 704.1 Supervision of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
- 704.2 Revocation of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
- 704.3 Juvenile Justice and Delinquency Prevention Act (Added 03/30/18)
- 705 Individual Client Records (Amended 03/30/18)
- 705.2 Progress Notes (Amended 03/30/18)
- 706 Grievance Procedure (Amended 03/30/18)
- 707 Bed Capacities and Staffing of Juvenile Detention Centers (Amended 01/13/23)
- 708 Classification of Juveniles for Housing and Program Assignment (Amended 01/13/23)
- 709 Security and Control (Amended 03/30/18)
- 710 Shift and Log Reports (Amended 03/30/18)
- 712 Escape/AWOL (Amended 06/13/23)
- 714 Searches (Amended 03/30/18)
- 715 Incident Reports (Amended 03/30/18)
- 716 Behavior Management (Amended 03/30/18)

- 718 Disciplinary Review (Amended 07/10/18)
- 720 Programs and Services (Amended 03/30/18)
- 720.1 Library Services (Amended 01/13/23)
- 720.2 Recreation and Structured Activities (Amended 01/13/23)
- 720.3 Religious Programs (Amended 03/30/18)
- 720.4 Juveniles Work Details (Amended 03/30/18)
- 720.5 Social Services (Amended 07/10/18)
- 720.6 Family and Community Contact (Amended 07/10/18)
- 725 Educational Programming and Assessment (Amended 07/10/18)
- 725.1 Instructional Staffing (Amended 03/30/18)
- 725.2 Education Records (Amended 07/10/18)
- 726 Leaves (Amended 03/30/18)
- 729 Release From Detention (Amended 03/30/18)
- 730 Inspections of Secure Juvenile Detention Facilities (Amended 01/13/23)
- 731 Complaint Investigations of Secure Juvenile Detention Centers and Juvenile Holding Facilities (Amended 03/30/18)

(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>.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

RANDY WHITE, Commissioner

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: September 25, 2025 at 1:15 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this emergency administrative regulation amendment shall be held Tuesday, November 25, 2025, 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 is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 until November 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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