

**STATEMENT OF EMERGENCY**  
**505 KAR 1:410E.**

(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 these additional safeguards will protect the next child placed in restrictive housing and protective custody.

(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 1:410E. Restrictive housing and protective custody.**

RELATES TO: KRS 15A.065, 15A.0652, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.0652, 605.150, 635.095, 640.120

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.0652, 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 procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers.

Section 1. General Provisions.

(1) Restrictive housing shall only apply to juveniles in juvenile detention centers and youth development centers. Restrictive housing shall only be used for behavior management. Restrictive housing shall not be used for punishment, staff convenience, or minor rule violations.

(2) Restrictive housing shall only be used for a direct and clear threat to the safety or security of the facility, staff, juvenile or other juveniles, including, but not limited to:

- (a) Assault or attempted assault;
- (b) Sexual assault or attempted sexual assault;
- (c) Attempted escape;
- (d) Escape;
- (e) Participating in a riot;
- (f) Planning a riot;
- (g) Possessing dangerous contraband as defined by KRS 120.0103;
- (h) Causing extensive property damage; or
- (i) Any other serious or violent behavior that compromises the safety and security of residents or staff.

(3) The time periods in which action is necessitated by this regulation are suspended during resident sleeping hours from 8:00 p.m. to 6:00 a.m., and any delayed assessment shall occur within two (2) hours of 6:00 a.m.

(4) Prior to going into restrictive housing, the reason shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time presenting a danger to himself or others, or is being non-compliant, the juvenile's signature is not required, and staff shall indicate in writing such danger or non-compliance.

(5) Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed fifteen (15) minutes to determine the juvenile's compliance with the plan for release. These checks shall be contemporaneously documented on an observation log.

(6) If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the shift supervisor or above shall return the juvenile to the general population. The time of release and the identity of the person releasing shall be documented contemporaneously on an observation log.

(7)

(a) If the juvenile continues to demonstrate negative or concerning behaviors and does not respond to reasonable redirection and guidance from staff, or the juvenile's behavior escalates or is beyond control, a qualified mental health professional (QMHP) shall be contacted as soon as possible by the administrative duty officer (ADO), youth services program specialist (YSPS), or superintendent but in no event not more than one (1) hour after the conduct occurs.

(b) The QMHP shall assess the juvenile to determine if acute psychiatric symptoms are contributing to the juvenile's behavior. Acute psychiatric symptoms include suicidal ideation, homicidal ideation, plan/intent to engage in self-injurious behaviors, mood disturbance, psychosis, thought-disordered thinking, symptoms associated with previous trauma or other signs of severe psychological distress.

(c) Based on the outcome of the assessment, the QMHP shall make recommendations for appropriate intervention.

(8) If at any time a juvenile exhibits deterioration in mental status during a restrictive housing placement, including by failing to respond, by their statements, by their refusal to eat, or by their refusal to perform personal hygiene as observed by staff during the fifteen (15) minute checks, a QMHP shall be contacted immediately to determine the most appropriate action based on the treatment needs of the juvenile. The contact and the person making the contact shall be contemporaneously documented in an observation log.

(9) The juvenile shall be afforded living conditions and privileges approximating those available to the general population including modified access to recreation, educational and treatment services, taking into consideration the safety and security of the juvenile and the facility. All services shall be contemporaneously documented on a services log. Any adjustments shall be documented, including the reason for the change.

(10) The juvenile shall be responsible for keeping their room clean while in restrictive housing.

## Section 2. Authorizations.

(1) Initial authorization shall be obtained from the facility superintendent, YSPS, ADO, or shift supervisor prior to placing a juvenile in restrictive housing placement and documented. If prior authorization cannot be obtained without jeopardizing the safety or security of the facility, staff, or juvenile, authorization shall be obtained immediately following the safe securing of the juvenile, but in no event not more than one (1) hour.

(2) An initial restrictive housing placement shall not exceed four (4) hours.

(3) An extension beyond an initial four (4) hour period, not to exceed eight (8) hours shall only be granted after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension.

(4) An extension of a restrictive housing placement beyond eight (8) hours, and for each four (4) hour extension up to twenty-four (24) hours, shall require approval of the executive director. The decision shall only be made after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(5) An extension of a restrictive housing placement beyond twenty-four (24) hours, and for each four (4) hour extension up to forty-eight (48) hours, shall require the approval of the Commissioner after consulting with the mental health authority or designee only after review and approval of the executive director. The executive director shall decide only after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(6) An extension of a restrictive housing placement beyond forty-eight (48) hours, and for each four (4) hour extension up to seventy-two (72) hours, shall require the approval of the cabinet secretary or designee after consulting with the mental health authority only after review and approval of the commissioner and the executive director. The commissioner and executive director shall only decide only after the superintendent or ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, additional approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be provided.

(7) A restrictive housing placement shall not exceed seventy-two (72) hours or three (3) days. If grounds meriting restrictive housing placement are present after three (3) days, a special management plan shall be implemented and the mental health authority and the commissioner shall evaluate whether a mental health hospitalization of the juvenile should be pursued.

### Section 3. Visits and Assessments.

(1) The facility nurse shall be consulted as soon as possible, or within one hour of placement, to determine if there are medical contraindications for the juvenile being placed in restrictive housing and this consultation shall be documented on an observation log.

(2) The facility nurse shall assess juveniles placed in restrictive housing as soon as possible, but in no event later than one (1) hour.

(3) Injuries, bruises or scratches, and observations shall be noted by a minimum of two (2) staff and photographed by staff who were not involved in the incident. The nurse shall document the date, time, and results of the assessment.

(4) The juvenile shall receive a visit from the facility nurse every twenty-four (24) hours unless medical attention is needed more frequently. The visit shall be documented contemporaneously in an observation log.

(5) If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, a QMHP shall assess the juvenile every twelve (12) hours. Any treatment provided shall be documented contemporaneously in the juvenile's medical record.

(6) An administrative review shall be conducted and documented by a facility superintendent, ADO, YSPS, counselor or shift supervisor, within four (4) hours of placement in restrictive housing, and a reassessment shall be done at each shift change or

a minimum of eight (8) hours, thereafter, to determine the juvenile's readiness for release. The reviews shall be completed by a staff member not involved in the incident. In instances where a prior room restriction, intensive room supervision, or room confinement placement was not successful and a restrictive housing placement was started, this review shall take place as soon as the restrictive housing protocol has started. (7) Juveniles in restrictive housing shall be visited at least once every twenty-four (24) hours by the superintendent or ADO, medical staff, and clinical or social work staff. A juvenile may request a visit from a member of the clergy, if available. All visits with the juvenile during placement on restrictive housing shall be documented contemporaneously on an observation log and services log.

#### Section 4. Documentation.

- (1) All documentation shall be legible.
- (2) When a juvenile is removed from the general population and placed on restrictive housing, a restrictive housing packet shall be started and shall include:
  - (a) An incident report;
  - (b) A services log;
  - (c) A medical checklist;
  - (d) An observation log and addendum(s);
  - (e) A plan for release; and
  - (f) Any professional/administrative reviews.
- (3) An incident report shall include:
  - (a) Restrictive housing shall be indicated on the incident report.
  - (b) The juvenile's explanation of the juvenile's behavior or statement should be included, if any.
  - (c) The name and title of the staff requesting and authorizing the initial placement and the transition to restrictive housing or extension, and the time approval was requested and received;
  - (d) The reason for the placement with specific detail about how the juvenile presents a risk to safety and security or orderly facility operations;
  - (e) The duration of the placement; and
  - (f) The reason for each extension request, the reason the request was granted or denied, and the duration of the extension.
- (4) A plan for release shall:
  - (a) Be authored by the staff in conjunction with the shift supervisor;
  - (b) State the behavior expectation for release from the room placement;
  - (c) Be explained to the juvenile by staff;
  - (d) Be signed by the juvenile. If a juvenile refuses to sign, the plan shall be explained orally by a noninvolved staff member and witnessed by a third party.
  - (e) Include specific behaviors related to the incident necessary for the juvenile to obtain release such as:
    1. Regain control of their behavior;
    2. Willingness to participate in required activities;
    3. Able to interact in a calm manner; and
    4. Is no longer a direct and clear threat to the security, safety, or orderly management of the facility.
  - (f) Not include generalized attitude without specific behaviors listed. Failure to clean the room shall not be the sole grounds to deny release.
- (5) Observation log.
  - (a) Behavioral observations shall be documented in an observation log and the shift supervisor shall be notified of any medical or behavioral health issues that would warrant immediate attention for follow-up.

- (b) The observations shall include the youth's comments and any credible threats as observed by staff familiar with the youth's behavior.
- (c) The fifteen (15) minute checks shall be documented on an observation log.
- (d) The time of the release and the person releasing shall be contemporaneously documented in an observation log.
- (6) A services log shall document all services provided to the juvenile while in room restriction including recreation, education, meals, and counseling.
- (7) The documentation shall be placed in the juvenile's individual client record.

Section 5. Restrictive housing for suicidal juveniles.

- (1) Restrictive housing shall not be used as a suicide precaution.
- (2) A juvenile who is suicidal may only be placed in restrictive housing if the juvenile presents an immediate assault risk to staff or other juveniles as evidenced by physical actions and other less restrictive interventions have failed or are not appropriate. All other suicide protocols shall be followed.

Section 6. Protective Custody.

- (1) Restrictive housing shall not be used for protective custody.
- (2) A juvenile requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or the juvenile is transferred to another facility.
- (3) The superintendent or designee may order immediate placement in protective custody if it is necessary to protect the juvenile from harm. This action shall be reviewed every twenty-four (24) hours of placement by the superintendent or designee. Separation from the general population beyond twenty-four (24) hours shall require approval by the superintendent who shall consider any mental health issues of the juvenile. The mental health authority and a QMHP shall be consulted by the superintendent. The action shall be reviewed by the multidisciplinary team within seventy-two (72) hours to decide on alternative permanent housing.
- (4) A youth development center treatment team may develop a special management plan to assure the safety of and continuous services and programming for the juvenile.505 KAR 1:410E. Restrictive housing and protective custody.

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.

CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email [Justice.RegContact@ky.gov](mailto:Justice.RegContact@ky.gov).