

**635.010 Complaint -- Duties of county attorney and court-designated worker.**

- (1) The county attorney shall cause a review to be made of each complaint alleging that a public offense has been committed. The purpose of this review shall be to determine from the available evidence whether there are reasonable grounds to believe that the alleged facts would constitute a public offense. The county attorney may elect not to proceed with the complaint, regardless of whether reasonable grounds exist, and dismiss the complaint.
- (2) The county attorney, upon receipt of a request for special review, shall consider the facts presented by the complainant and by the court-designated worker who made the recommendation that no petition be filed, before the county attorney makes a final decision as to whether a public offense petition shall or shall not be filed.
- (3) In all cases in which the child is alleged to have committed a public offense and is not detained, the court-designated worker shall submit his written recommendation to the county attorney or designee within twenty (20) days, exclusive of weekends and holidays, from the date the child was taken into custody or the complaint was filed. In cases where the child is detained, the court-designated worker's report shall be submitted within seventy-two (72) hours of the time the child is ordered detained.
- (4) The county attorney may not file a petition if the complaint is a misdemeanor and the child who is the subject of the diversion agreement has no prior adjudications and no prior diversions.
- (5) If a public offense petition is filed, it shall be verified by information and belief and contain the information listed in KRS 610.020.

**Effective:** July 15, 2014

**History:** Amended 2014 Ky. Acts ch. 132, sec. 45, effective July 15, 2014. -- Amended 1996 Ky. Acts ch. 358, sec. 39, effective July 15, 1997. -- Amended 1988 Ky. Acts ch. 350, sec. 94, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 124, effective July 1, 1987.

**Legislative Research Commission Note (7/15/96).** Under 1996 Ky. Acts ch. 358, sec. 67(1), the amendment of this statute by Section 39 of that Act becomes effective July 15, 1997.