

15A.305 Statewide detention program -- Alternatives to secure detention -- Notification system -- Per diem charge to lodge juveniles in state-owned or contracted preadjudication facilities -- Fiscal court approval before state takeover, purchase, or control -- Provision of mental health services to detained youth.

- (1) The Department of Juvenile Justice shall develop and administer a statewide detention program and, as each regional facility is constructed and ready for occupancy, shall provide for:
 - (a) The operation of preadjudication detention facilities for children charged with public offenses; and
 - (b) The operation of postadjudication detention facilities for children adjudicated delinquent or found guilty of public offenses.
- (2) In each region in which the Department of Juvenile Justice operates or contracts for the operation of a detention facility, the department shall develop and administer a program for alternatives to secure detention that shall provide for:
 - (a) The operation of or contracting for the operation of preadjudication alternatives to secure detention and follow-up programs for juveniles who are before the court or who enter pretrial diversion or informal adjustment programs; and
 - (b) The operation of or contracting for the operation of postadjudication alternatives to secure detention and follow-up programs, including but not limited to community-based programs, mentoring, counseling, and other programs designed to limit the unnecessary use of secure detention and ensure public safety.
- (3) The department shall develop and implement a system to immediately notify the Cabinet for Health and Family Services when a status offender or child alleged to be a status offender has been detained for the alleged violation of a valid court order.
- (4) The department may, except as provided in KRS 635.060, charge counties, consolidated local governments, and urban-county governments a per diem not to exceed ninety-four dollars (\$94) for lodging juveniles in state-owned or contracted facilities.
- (5) Detention rates charged by contracting detention facilities shall not exceed the rate in effect on July 1, 1997, subject to increases approved by the department.
- (6) No juvenile detention facility, as defined in KRS 15A.200, shall be taken over, purchased, or leased by the Commonwealth without prior approval of the fiscal court upon consultation with the jailer in the county where the facility is located. The county, upon consultation with the jailer, may enter into contracts with the Commonwealth for the holding, detention, and transportation of juveniles.
- (7) The Department of Juvenile Justice shall enter into sufficient contracts to ensure the availability of institutional treatment for children with severe emotional disturbance or mental illness as soon as practicable.
- (8) The Department of Juvenile Justice shall, for any facility operated pursuant to subsection (1) of this section, require that the facility:

- (a) Provide children in crisis who are residing in a juvenile detention facility access to a mental health professional whose communications with the child are privileged under the Kentucky Rules of Evidence;
- (b) Conduct monthly documented training related to emergency response;
- (c) Ensure that appropriate staff working with detained youth have controlled access to, and are properly trained in the use of, appropriate defensive equipment comparable to that utilized by the Department of Corrections, including tasers, pepper spray, and shields;
- (d) Establish a specially trained emergency response team within each juvenile detention center and youth development center which shall be trained in tactics related to detention facilities and engage in monthly drills as part of emergency response training;
- (e) Enter into a memorandum of understanding with local law enforcement for emergency response and include these agencies in emergency response trainings;
- (f) Be equipped with an alarm that directly communicates an emergency situation to the local dispatch center; and
- (g) Promulgate administrative regulations in accordance with KRS Chapter 13A to implement this subsection.

Effective: March 27, 2023

History: Amended 2023 Ky. Acts ch. 106, sec. 4, effective March 27, 2023. -- Amended 2014 Ky. Acts ch. 132, sec. 9, effective July 1, 2015. -- Amended 2008 Ky. Acts ch. 87, sec. 13, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 257, sec. 7, effective July 15, 2002; and ch. 346, sec. 6, effective July 15, 2002. -- Created 1998 Ky. Acts ch. 606, sec. 2, effective July 15, 1998.