

1 AN ACT relating to juvenile justice.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 635.060 is amended to read as follows:

4 If in its decree the juvenile court finds that the child comes within the purview of this  
5 chapter, the court, at the dispositional hearing, may impose any combination of the  
6 following, except that the court shall, if a validated risk and needs assessment tool is  
7 available, consider the validated risk and needs assessment submitted to the court and  
8 parties by the Department of Juvenile Justice or other agency before imposing any  
9 disposition:

10 (1) Order the child or his parents, guardian, or person exercising custodial control to  
11 make restitution or reparation to any injured person to the extent, in the sum and  
12 upon the conditions as the court determines. However, no parent, guardian, or  
13 person exercising custodial control shall be ordered to make restitution or reparation  
14 unless the court has provided notice of the hearing, provided opportunity to be  
15 heard, and made a finding that the person's failure to exercise reasonable control or  
16 supervision was a substantial factor in the child's delinquency;

17 (2) (a) Place the child:

18 1. Under parental supervision in the child's own home or in a suitable  
19 home or boarding home, upon the conditions that the court shall  
20 determine, or  
21 2. On probation under conditions that the court shall determine.

22 (b) 1. At the time the child is placed on probation, the court shall explain to  
23 the child the sanctions which may be imposed if the court's conditions  
24 are violated, and shall include notice of those sanctions as part of its  
25 written order of probation. A child placed on probation shall be subject  
26 to the visitation and supervision of a probation officer or an employee of  
27 the Department of Juvenile Justice.

1           2. The conditions of probation shall include authorization for the use of  
2 graduated sanctions prior to a court review for the imposition of a term  
3 of detention. If the court has previously imposed graduated sanctions for  
4 a violation of conditions of supervision by a child monitored by the  
5 court, or makes a finding that the graduated sanctions have previously  
6 been imposed for a child on probation, then the court may impose a  
7 sanction of up to thirty (30) days' detention for a violation of the  
8 conditions of supervision or probation. A court may not impose  
9 detention prior to use of graduated sanctions unless there is clear and  
10 convincing evidence that there are no graduated sanctions available that  
11 are appropriate for the child and the child is an immediate threat to  
12 himself or others. Except where commitment has been probated  
13 pursuant to subsection (5) of this section, a child may not be committed  
14 or recommitted to the Department of Juvenile Justice for a violation of a  
15 condition of probation.

16       (c) A child placed on probation or supervision with court monitoring shall remain  
17 subject to the jurisdiction of the court as follows, except that if a person is  
18 placed on probation after the person reaches the age of seventeen (17) years  
19 and six (6) months, the probation shall be for a period not to exceed one (1)  
20 year:

21           1. If the child was adjudicated for an offense that would be a violation if  
22 committed by an adult, the period of probation or supervision shall not  
23 exceed thirty (30) days, except that the court may order up to three (3)  
24 months of supervision if the court-ordered treatment includes a program  
25 that requires longer than thirty (30) days to complete;

26           2. If the child was adjudicated for an offense that would be a misdemeanor  
27 if committed by an adult, other than an offense for which a child has

1           been declared a juvenile sex offender under KRS 635.510 or an offense  
2           involving a deadly weapon, the period of probation or supervision shall  
3           not exceed six (6) months, except that the court may order up to twelve  
4           (12) months of supervision if the court-ordered substance abuse or  
5           mental health treatment includes a program that requires longer than six  
6           (6) months to complete;

7           3. If the child was adjudicated for an offense that would be a Class D  
8           felony if committed by an adult, other than an offense for which a child  
9           has been declared a juvenile sex offender under KRS 635.510 or an  
10          offense involving a deadly weapon, the period of probation or  
11          supervision shall not exceed twelve (12) months; or

12          4. If the child was adjudicated for an offense that would be a felony offense  
13          if committed by an adult, other than a Class D felony offense, or for an  
14          offense involving a deadly weapon, or for an offense in which the child  
15          has not been declared a sexual offender pursuant to KRS 635.510, the  
16          child may be placed on probation up to age eighteen (18);

17       (3) (a) If the child was adjudicated for an offense other than an offense that would be  
18          a violation if committed by an adult, order the child confined in an approved  
19          secure detention facility or detention program, as authorized by KRS Chapter  
20          15A, as follows:

21          1. If the child is fourteen (14) years of age but less than sixteen (16) years  
22          of age, the child may be confined for a period of time not to exceed  
23          forty-five (45) days; or

24          2. If the child is sixteen (16) years of age or older, the child may be  
25          confined for a period of time not to exceed ninety (90) days.

26          (b) The Department of Juvenile Justice shall pay for the confinement of children  
27          confined pursuant to this subsection in accordance with the statewide

1 detention plan and administrative regulations implementing the plan;

2 (4) (a) Order the child to be committed or recommitted to the custody of the  
3 Department of Juvenile Justice, grant guardianship to a child-caring facility or  
4 a child-placing agency authorized to care for the child, or place the child under  
5 the custody and supervision of a suitable person if:

6 1. The child was adjudicated for an offense that would be a misdemeanor  
7 or Class D felony if committed by an adult and the child has at least  
8 three (3) prior adjudications, excluding prior adjudications of offenses  
9 designated as a violation, or at least four (4) prior adjudications of  
10 violations, which do not arise from the same course of conduct; or

11 2. The child was adjudicated for an offense involving a deadly weapon, an  
12 offense in which the child has been declared a juvenile sexual offender  
13 under KRS 635.510, or an offense that would be a felony offense if  
14 committed by an adult, other than a Class D felony.

15 (b) The commitment shall be for the following term, subject to KRS 635.070 and  
16 the power of the court to terminate the order and discharge the child prior  
17 thereto:

18 1. If the child was adjudicated for an offense that would be a misdemeanor  
19 if committed by an adult, other than an offense for which a child has  
20 been declared a juvenile sex offender under KRS 635.510 or an offense  
21 involving a deadly weapon, the child may be committed for a period not  
22 to exceed twelve (12) months, including all time spent in the treatment  
23 plan established pursuant to KRS 15A.0652;

24 2. If the child was adjudicated for an offense that would be a Class D  
25 felony if committed by an adult, other than an offense for which a child  
26 has been declared a juvenile sex offender under KRS 635.510 or an  
27 offense involving a deadly weapon, the child may be committed for a

- 1 period not to exceed eighteen (18) months, including all time spent in  
2 the treatment plan established pursuant to KRS 15A.0652;
- 3 3. If the child was adjudicated for an offense that would be a felony offense  
4 if committed by an adult, other than a Class D felony offense, or an  
5 offense involving a deadly weapon, the child may be committed up to  
6 age eighteen (18);
- 7 4. If the child was adjudicated for an offense that results in the child being  
8 declared a juvenile sexual offender, the commitment shall be as  
9 provided in KRS 635.515;
- 10 5. The court, in its discretion, upon motion by the child and with the  
11 concurrence of the Department of Juvenile Justice, may authorize an  
12 extension of commitment up to age twenty-one (21) to permit the  
13 Department of Juvenile Justice to assist the child in establishing  
14 independent living arrangements; and
- 15 6. If a person~~[child]~~ is committed after the person~~[child]~~ reaches the age of  
16 seventeen (17) years and six (6) months, and except as provided in  
17 subparagraph 4. of this paragraph, the commitment shall be for a period  
18 not to exceed one (1) year.
- 19 (c) The Department of Juvenile Justice shall:
- 20 1. Accept physical custody of a child who is detained in an approved  
21 secure juvenile detention facility in accordance with KRS 15A.200 to  
22 15A.240 at the time the child is committed or recommitted to the  
23 custody of the Department of Juvenile Justice. The Department of  
24 Juvenile Justice shall remove the child from the approved secure  
25 juvenile detention facility and secure appropriate placement as soon as  
26 possible but not to exceed thirty-five (35) days of the time of  
27 commitment or recommitment; and

- 1           2. Pay for the cost of detention from the date of commitment or  
2           recommitment, on the current charge, until the child is removed from the  
3           detention facility and placed.
- 4           (d) All orders of commitment may include advisory recommendations the court  
5           may deem proper in the best interests of the child and of the public; or
- 6       (5) (a) The court may probate or suspend a commitment ordered pursuant to  
7           subsection (4) of this section, except that if a court probates or suspends a  
8           commitment in conjunction with any other dispositional alternative, that fact  
9           shall be explained to the juvenile and contained in a written order.
- 10          (b) Any probation or suspension imposed shall not exceed the time limitations  
11          established under subsection (2) of this section.
- 12          (c) If the child successfully completes the conditions of probation, the court shall  
13          terminate the case.
- 14          (d) 1. The court may, for violations of the conditions of probation, revoke the  
15             probation or suspension ordered under this section and order the child  
16             committed.
- 17             2. The period of the commitment shall not exceed the terms established  
18             under subsection (4) of this section.
- 19             3. Any time a child has spent in out-of-home placement as a result of a  
20             violation of a condition of probation or suspension under this section  
21             shall be credited toward the period of commitment.
- 22             4. If a commitment is probated or suspended after a child reaches the age  
23             of seventeen (17) years and six (6) months, the period of the suspension,  
24             and commitment if revoked, shall be for a period not to exceed one (1)  
25             year, but not to exceed age nineteen (19).