

1 AN ACT relating to juvenile justice and making an appropriation therefor.

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

3 ➔Section 1. KRS 610.030 is amended to read as follows:

4 Except as otherwise provided in KRS Chapters 600 to 645:

- 5 (1) If any person files a complaint alleging that a child, except a child alleged to be
6 neglected, abused, dependent, or mentally ill who is subject to the jurisdiction of the
7 court, may be within the purview of KRS Chapters 600 to 645, the court-designated
8 worker shall make a preliminary determination as to whether the complaint is
9 complete. In any case where the court-designated worker finds that the complaint is
10 incomplete, the court-designated worker shall return the complaint without delay to
11 the person or agency originating the complaint or having knowledge of the facts, or
12 to the appropriate law enforcement agency having investigative jurisdiction of the
13 offense, and request additional information in order to complete the complaint. The
14 complainant shall promptly furnish the additional information requested;
- 15 (2) (a) Upon receipt of a complaint which appears to be complete and which alleges
16 that a child has committed a public offense, the court-designated worker shall
17 refer the complaint to the county attorney for review pursuant to KRS
18 635.010.
- 19 (b) If after review the county attorney elects to proceed, the court-designated
20 worker shall conduct a preliminary intake inquiry to recommend whether the
21 interests of the child or the public require that further action be taken or
22 whether, in the interest of justice, the complaint can be resolved informally
23 without the filing of a petition;
- 24 (3) Upon receipt of a complaint that appears to be complete and that alleges that the
25 child has committed a status offense, the court-designated worker shall conduct a
26 preliminary intake inquiry to determine whether the interests of the child or the
27 public require that further action be taken;

- 1 (4) Prior to conducting a preliminary intake inquiry, the court-designated worker shall
2 notify the child and the child's parent, guardian, or other person exercising custodial
3 control or supervision of the child in writing:
- 4 (a) Of their opportunity to be present at the preliminary intake inquiry;
- 5 (b) That they may have counsel present during the preliminary intake inquiry as
6 well as the formal conference thereafter;
- 7 (c) 1. That all information supplied by the child to a court-designated worker
8 during any process prior to the filing of the petition shall be deemed
9 confidential and shall not be subject to subpoena or to disclosure
10 without the written consent of the child.
- 11 2. Information may be shared between treatment providers, the court-
12 designated worker, and the family accountability, intervention, and
13 response team to enable the court-designated worker to facilitate
14 services and facilitate compliance with the diversion agreement; and
- 15 (d) That the child has the right to deny the allegation and demand a formal court
16 hearing;
- 17 (5) The preliminary intake inquiry shall include the administration of an evidence-
18 based screening tool and, if appropriate and available, a validated risk and needs
19 assessment, in order to identify whether the child and his or her family are in need
20 of services and the level of intervention needed;
- 21 (6) Upon the completion of the preliminary intake inquiry, the court-designated worker
22 may:
- 23 (a) If the complaint alleges a status offense, determine that no further action be
24 taken subject to review by the family accountability, intervention, and
25 response team;
- 26 (b) If the complaint alleges a public offense, refer the complaint to the county
27 attorney;

- 1 (c) Refer a public offense complaint for informal adjustment; or
- 2 (d) Based upon the results of the preliminary intake inquiry, other information
- 3 obtained, and a determination that the interests of the child and the public
- 4 would be better served, and with the written approval of the county attorney
- 5 for a public offense complaint, if necessary, conduct a formal conference and
- 6 enter into a diversion agreement;
- 7 (7) Upon receiving written approval of the county attorney, if necessary, to divert a
- 8 public offense complaint, and prior to conducting a formal conference, the court-
- 9 designated worker shall advise in writing the complainant, the victim if any, and the
- 10 law enforcement agency having investigative jurisdiction of the offense:
- 11 (a) Of the recommendation and the reasons therefor and that the complainant,
- 12 victim, or law enforcement agency may submit within ten (10) days from
- 13 receipt of such notice a complaint to the county attorney for special review; or
- 14 (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact
- 15 that the child was statutorily entitled to divert the case;
- 16 (8) A formal conference shall include the child and his or her parent, guardian, or other
- 17 person exercising custodial control or supervision. The formal conference shall be
- 18 used to:
- 19 (a) Present information obtained at the preliminary intake inquiry; and
- 20 (b) 1. Develop a diversion agreement that shall require that the child regularly
- 21 attend school, shall not exceed six (6) months in duration, and may
- 22 include:
- 23 a.~~[1.]~~ Referral of the child, and family if appropriate, to a public or
- 24 private entity or person for the provision of identified services to
- 25 address the complaint or assessed needs;
- 26 b.~~[2.]~~ Referral of the child, and family if appropriate, to a community
- 27 service program within the limitations provided under KRS

- 1 635.080(2);
- 2 ~~c.[3.]~~ Restitution, limited to the actual pecuniary loss suffered by the
- 3 victim, if the child has the means or ability to make restitution;
- 4 ~~d.[4.]~~ Notification that the court-designated worker may apply graduated
- 5 sanctions for failure to comply with the diversion agreement;
- 6 ~~e.[5.]~~ Any other program or effort which reasonably benefits the
- 7 community and the child; and
- 8 ~~f.[6.]~~ A plan for monitoring the child's progress and completion of the
- 9 agreement.~~[;]~~

10 **2. Prior to developing the diversion agreement, the court designated**

11 **worker or court designated specialist shall contact the school district**

12 **that the child attends to obtain background information from school**

13 **personnel regarding family background, education records, any**

14 **services previously provided, and any recommended trauma informed**

15 **strategies.**

16 **3. Upon developing a diversion agreement, the court designated**

17 **specialist shall make all details of the agreement accessible to all**

18 **members of the family, accountability, intervention, and response**

19 **team through an electronic platform provided by the Administrative**

20 **Office of the Courts.**

21 (9) (a) If a child successfully completes a diversion agreement, the underlying

22 complaint shall be dismissed and further action related to that complaint shall

23 be prohibited.

24 (b) If a child fails to appear for a preliminary intake inquiry, declines to enter into

25 a diversion agreement, or fails to complete a diversion agreement, then:

26 1. For a public offense complaint, the matter shall be referred to the county

27 attorney for formal court action and, if a petition is filed, the child may

1 request that the court dismiss the complaint based upon his or her
2 substantial compliance with the terms of diversion; and

3 2. For a status offense complaint, the court-designated worker shall refer
4 the matter to the family accountability, intervention, and response team
5 for review and further action.

6 **(c) If the child enters into a diversion agreement or is referred to the family**
7 **accountability, intervention, and response team for truancy and there is no**
8 **action implemented by the family accountability, intervention, and response**
9 **team within ninety (90) days, the family accountability, intervention, and**
10 **response team shall report to the court the reasons for inaction and shall**
11 **provide a plan for action on the child's case. The court shall review on the**
12 **record any diversion agreement and any report, without the attendance or**
13 **appearance of the child, at regular intervals at the court's discretion to**
14 **verify family accountability, intervention, and response team member**
15 **attendance, team accountability, and performance.**

16 **(d) If a child fails to appear for a preliminary intake inquiry or fails to complete**
17 **a diversion agreement due to lack of parental cooperation, the court-**
18 **designated worker shall make a determination that the child failed to**
19 **complete the diversion due to lack of parent cooperation;**

20 (10) If a complaint is referred to the court, the complaint and findings of the court-
21 designated worker's preliminary intake inquiry shall be submitted to the court for
22 the court to determine whether process should issue;

23 **(11) If the court receives a report with a determination that the diversion is failed due**
24 **to lack of parental cooperation, the court may order parental cooperation and**
25 **refer the case back to the court-designated worker. The child shall not be**
26 **detained upon this finding;** and

27 **(12)**~~(11)~~ At any stage in the proceedings described in this section, the court or the

1 county attorney may review any decision of the court-designated worker. The court
2 upon its own motion or upon written request of the county attorney may refer any
3 complaint for a formal hearing.

4 ➔Section 2. KRS 605.035 is amended to read as follows:

- 5 (1) There is hereby created in each judicial district a family accountability,
6 intervention, and response team that shall develop enhanced case management
7 plans and opportunities for services for children referred to the team. The family
8 accountability, intervention, and response team shall consist of not more than
9 fifteen (15) persons.
- 10 (2) The membership of the team shall include the following representatives as
11 appointed by their agencies or organizations:
- 12 (a) A court-designated worker in that judicial circuit or district;
 - 13 (b) One (1) or more members, one (1) of whom shall be a representative of the
14 community mental health center, of the regional interagency council specified
15 in KRS 200.509(1)(a) to (d) and (g), or corresponding members of the local
16 interagency council if one exists;
 - 17 (c) A representative from the cabinet knowledgeable about services available
18 through the cabinet and authorized to facilitate access to services;
 - 19 (d) A representative from the office of a county attorney within the judicial
20 district;
 - 21 (e) A representative from the Department of Public Advocacy;
 - 22 (f) A representative from a local public school within the judicial district;
 - 23 (g) A representative of law enforcement; and
 - 24 (h) Other persons interested in juvenile justice issues, as identified by the family
25 accountability, intervention, and response team, who are necessary for a
26 complete representation of resources within each judicial circuit or district.
- 27 (3) A court-designated worker from within the judicial circuit or district shall lead the

- 1 team and be responsible for convening and staffing the team.
- 2 (4) The team shall adopt a case management approach and process for reviewing:
- 3 (a) Referrals from the court-designated worker involving cases in which a child
- 4 has failed to appear for a preliminary intake inquiry, declined to enter into a
- 5 diversion agreement, or failed to complete the terms of the agreement; and
- 6 (b) Status offense cases if the court-designated worker, after reviewing the
- 7 complaint, has determined that no further action is necessary.
- 8 (5) After reviewing the actions taken by the court-designated worker, including
- 9 referrals made for the child and his or her family, efforts to address barriers to
- 10 successful completion, and whether other appropriate services are available to
- 11 address the needs of the child and his or her family, the team may:
- 12 (a) Refer the case back to the court-designated worker to take further action as
- 13 recommended by the team;
- 14 **(b) Refer the case to the cabinet, which shall conduct an investigation of**
- 15 **suspected dependency, neglect, or abuse;** or
- 16 ~~(c)~~ Advise the court-designated worker to refer the case to the county
- 17 attorney if the team has no further recommendations to offer.

18 ➔Section 3. KRS 610.990 is amended to read as follows:

19 Any person who intentionally violates any of the provisions of this chapter shall be guilty

20 of a Class B misdemeanor, **except that an intentional violation of an order issued under**

21 **subsection (11) of Section 1 of this Act shall be referred to the county attorney for**

22 **prosecution under KRS 530.070(1)(c) if the case relates to truancy.**

23 ➔Section 4. KRS 610.265 is amended to read as follows:

- 24 (1) Any child who is alleged to be a status offender or who is accused of being in
- 25 contempt of court on an underlying finding that the child is a status offender may be
- 26 detained in a nonsecure facility or a secure juvenile detention facility for a period of
- 27 time not to exceed twenty-four (24) hours, exclusive of weekends and holidays,

1 pending a detention hearing. Any child who is accused of committing a public
2 offense or of being in contempt of court on an underlying public offense may be
3 detained in a secure juvenile detention facility or a nonsecure setting approved by
4 the Department of Juvenile Justice for a period of time not to exceed forty-eight
5 (48) hours, exclusive of weekends and holidays, pending a detention hearing.

6 **(2) Beginning July 1, 2024, any child accused of committing a public offense that**
7 **would be considered a violent felony offense as defined in KRS 532.200 shall be**
8 **detained in a secure juvenile detention facility for a period of time not to exceed**
9 **forty-eight (48) hours, exclusive of weekends and holidays, pending a detention**
10 **hearing, unless the detention hearing can be held within the time allotted to**
11 **peace officers to retain custody of the child pursuant to KRS 610.200 or 610.220.**
12 **This subsection shall not apply to any child ten (10) years of age or younger.**

13 **(3) (a) Any child detained pursuant to subsection (2) of this section shall be**
14 **assessed by a mental health professional, whose communications with the**
15 **child shall be confidential in conformity with the Kentucky Rules of**
16 **Evidence, to determine if the child exhibits behavior that indicates the child**
17 **could benefit from cognitive behavioral therapy, other evidence-based**
18 **behavioral health programs, substance use disorder treatment, or treatment**
19 **in a psychiatric facility for serious mental illness.**

20 **(b) Any treatment recommended under this subsection shall be provided by the**
21 **Department of Juvenile Justice and may be provided pursuant to a contract**
22 **between the Justice and Public Safety Cabinet and a behavioral health**
23 **services organization.**

24 **(c) If the child is released upon a detention hearing, a court may order the**
25 **child to complete any recommended treatment. The Department of Juvenile**
26 **Justice shall refer the child to an existing contractor or to other resources**
27 **for the treatment.**

1 **(4) Any child detained pursuant to subsection (2) of this section shall be permitted**
2 **visitation from individuals representing organizations including nonprofit**
3 **organizations, faith-based organizations, or community organizations, to connect**
4 **them with, expose them to, or minister to them through programs including but**
5 **not limited to trades, arts, sports, mentoring, counseling, support programs, or**
6 **community-based programs. These organizations may offer transition services to**
7 **any child who is released from detention.**

8 ~~(5)(2)~~ Within the period of detention described in ~~subsections~~~~[subsection]~~ (1) **and**
9 **(2)** of this section, exclusive of weekends and holidays, a detention hearing shall be
10 held by the judge or trial commissioner of the court for the purpose of determining
11 whether the child shall be further detained. At the hearing held pursuant to this
12 subsection, the court shall consider the nature of the offense, the child's background
13 and history, and other information relevant to the child's conduct or condition.

14 ~~(6)(3)~~ If the court orders a child detained further, that detention shall be served as
15 follows:

16 (a) If the child is charged with a capital offense, Class A felony, or Class B
17 felony, detention shall occur in a secure juvenile detention facility pending the
18 child's next court appearance subject to the court's review of the detention
19 order prior to that court appearance;

20 (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status
21 offender, the child may be detained in a secure juvenile detention facility for a
22 period not to exceed twenty-four (24) hours after which detention shall occur
23 in a nonsecure setting approved by the Department of Juvenile Justice
24 pending the child's next court appearance subject to the court's review of the
25 detention order prior to the next court appearance;

26 (c) If a status offender or a child alleged to be a status offender is charged with
27 violating a valid court order, the child may be detained in a secure juvenile

1 detention facility, or in a nonsecure setting approved by the Department of
2 Juvenile Justice, for a period not to exceed forty-eight (48) hours, exclusive of
3 weekends and holidays, pending the child's next court appearance;

4 (d) Prior to ordering a status offender or alleged status offender who is subject to
5 a valid court order securely detained because the child violated the valid court
6 order, the court shall:

7 1. Affirm that the requirements for a valid court order were met at the time
8 the original order was issued;

9 2. Make a determination during the adjudicatory hearing that the child
10 violated the valid court order; and

11 3. Within forty-eight (48) hours after the adjudicatory hearing on the
12 violation of a valid court order by the child, exclusive of weekends and
13 holidays, receive and review a written report prepared by an appropriate
14 public agency that reviews the behavior of the child and the
15 circumstances under which the child was brought before the court,
16 determines the reasons for the child's behavior, and determines whether
17 all dispositions other than secure detention have been exhausted or are
18 inappropriate. If a prior written report is included in the child's file, that
19 report shall not be used to satisfy this requirement. The child may be
20 securely detained for a period not to exceed forty-eight (48) hours,
21 exclusive of weekends and holidays, pending receipt and review of the
22 report by the court. The hearing shall be conducted in accordance with
23 ~~the provisions of~~ KRS 610.060. The findings required by this
24 subsection shall be included in any order issued by the court which
25 results in the secure or nonsecure detention of a status offender; and

26 (e) If the child is charged with a public offense, or contempt on a public offense,
27 and the county in which the case is before the court is served by a state

1 operated secure detention facility under the statewide detention plan, the child
2 shall be referred to the Department of Juvenile Justice for a security
3 assessment and placement in an approved detention facility or program
4 pending the child's next court appearance.

5 ~~(7)~~~~(4)~~ If, at the hearing conducted under subsection ~~(5)~~~~(2)~~ of this section, the court
6 conducts an adjudicatory hearing on the merits of a violation of a valid court order,
7 that hearing shall conform to the requirements of KRS 630.080.

8 ~~(8)~~~~(5)~~ If the detention hearing is not held as provided in subsection (1) of this
9 section, the child shall be released as provided in KRS 610.290.

10 ~~(9)~~~~(6)~~ If the child is not released, the court-designated worker shall notify the parent,
11 person exercising custodial control or supervision, a relative, guardian, or other
12 responsible adult, and the Department of Juvenile Justice or the cabinet, as
13 appropriate.

14 ➔Section 5. KRS 635.060 is amended to read as follows:

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

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

1 (2) (a) Place the child:

2 1. Under parental supervision in the child's own home or in a suitable
3 home or boarding home, upon the conditions that the court shall
4 determine, or

5 2. On probation under conditions that the court shall determine.

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

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

27 (c) A child placed on probation or supervision with court monitoring shall remain

1 subject to the jurisdiction of the court as follows, except that if a person is
2 placed on probation after the person reaches the age of seventeen (17) years
3 and six (6) months, the probation shall be for a period not to exceed one (1)
4 year:

- 5 1. If the child was adjudicated for an offense that would be a violation if
6 committed by an adult, the period of probation or supervision shall not
7 exceed thirty (30) days, except that the court may order up to three (3)
8 months of supervision if the court-ordered treatment includes a program
9 that requires longer than thirty (30) days to complete;
- 10 2. If the child was adjudicated for an offense that would be a misdemeanor
11 if committed by an adult, other than an offense for which a child has
12 been declared a juvenile sex offender under KRS 635.510 or an offense
13 involving a deadly weapon, the period of probation or supervision shall
14 not exceed six (6) months, except that the court may order up to twelve
15 (12) months of supervision if the court-ordered substance abuse or
16 mental health treatment includes a program that requires longer than six
17 (6) months to complete;
- 18 3. If the child was adjudicated for an offense that would be a Class D
19 felony if committed by an adult, other than an offense for which a child
20 has been declared a juvenile sex offender under KRS 635.510 or an
21 offense involving a deadly weapon, the period of probation or
22 supervision shall not exceed twelve (12) months; or
- 23 4. If the child was adjudicated for an offense that would be a felony
24 offense if committed by an adult, other than a Class D felony offense, or
25 for an offense involving a deadly weapon, or for an offense in which the
26 child has not been declared a sexual offender pursuant to KRS 635.510,
27 the child may be placed on probation up to age eighteen (18);

- 1 (3) (a) If the child was adjudicated for an offense other than an offense that would be
2 a violation if committed by an adult, order the child confined in an approved
3 secure detention facility or detention program, as authorized by KRS Chapter
4 15A, as follows:
- 5 1. If the child is fourteen (14) years of age but less than sixteen (16) years
6 of age, the child may be confined for a period of time not to exceed
7 forty-five (45) days; or
 - 8 2. If the child is sixteen (16) years of age or older, the child may be
9 confined for a period of time not to exceed ninety (90) days.
- 10 (b) Any child detained under this section, other than a child previously assessed
11 pending a detention hearing, shall be assessed by a mental health
12 professional to determine if the child exhibits behavior that indicates the
13 child could benefit from cognitive behavioral therapy, other evidence-based
14 behavioral health programs, substance use disorder treatment, or treatment
15 in a psychiatric facility for serious mental illness. Any treatment
16 recommended under this paragraph shall be provided by the Department of
17 Juvenile Justice and may be provided pursuant to a contract between the
18 Justice and Public Safety Cabinet and a behavioral health services
19 organization.
- 20 (c) The Justice and Public Safety Cabinet may enter into a contract or
21 contracts with at least one (1):
- 22 1. Mental health professional whose communications with the child shall
23 be confidential in conformity with the Kentucky Rules of Evidence, to
24 provide the assessment required by paragraph (b) of this subsection;
25 and
 - 26 2. Behavioral health services organization that is accredited and
27 qualified to provide behavioral health treatment.

1 *(d) Behavioral health services organizations contracted pursuant to paragraph*
2 *(c) of this subsection may utilize restorative practices designed to hold the*
3 *participant accountable to the victim if there is an identified victim and, in*
4 *the professional opinion of the behavioral health service provider, it is safe*
5 *to do so.*

6 *(e)* The Department of Juvenile Justice shall pay for the confinement of children
7 confined pursuant to this subsection in accordance with the statewide
8 detention plan and administrative regulations implementing the plan;

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

- 13 1. The child was adjudicated for an offense that would be a misdemeanor
14 or Class D felony if committed by an adult and the child has at least
15 three (3) prior adjudications, excluding prior adjudications of offenses
16 designated as a violation, or at least four (4) prior adjudications of
17 violations, which do not arise from the same course of conduct; or
- 18 2. The child was adjudicated for an offense involving a deadly weapon, an
19 offense in which the child has been declared a juvenile sexual offender
20 under KRS 635.510, or an offense that would be a felony offense if
21 committed by an adult, other than a Class D felony.

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

- 25 1. If the child was adjudicated for an offense that would be a misdemeanor
26 if committed by an adult, other than an offense for which a child has
27 been declared a juvenile sex offender under KRS 635.510 or an offense

- 1 involving a deadly weapon, the child may be committed for a period not
2 to exceed twelve (12) months, including all time spent in the treatment
3 plan established pursuant to KRS 15A.0652;
- 4 2. If the child was adjudicated for an offense that would be a Class D
5 felony if committed by an adult, other than an offense for which a child
6 has been declared a juvenile sex offender under KRS 635.510 or an
7 offense involving a deadly weapon, the child may be committed for a
8 period not to exceed eighteen (18) months, including all time spent in
9 the treatment plan established pursuant to KRS 15A.0652;
- 10 3. If the child was adjudicated for an offense that would be a felony
11 offense if committed by an adult, other than a Class D felony offense, or
12 an offense involving a deadly weapon, the child may be committed up to
13 age eighteen (18);
- 14 4. If the child was adjudicated for an offense that results in the child being
15 declared a juvenile sexual offender, the commitment shall be as
16 provided in KRS 635.515;
- 17 5. The court, in its discretion, upon motion by the child and with the
18 concurrence of the Department of Juvenile Justice, may authorize an
19 extension of commitment up to age twenty-one (21) to permit the
20 Department of Juvenile Justice to assist the child in establishing
21 independent living arrangements; and
- 22 6. If a child is committed after the child reaches the age of seventeen (17)
23 years and six (6) months, and except as provided in subparagraph 4. of
24 this paragraph, the commitment shall be for a period not to exceed one
25 (1) year.
- 26 (c) The Department of Juvenile Justice shall:
- 27 1. Accept physical custody of a child who is detained in an approved

- 1 secure juvenile detention facility in accordance with KRS 15A.200 to
2 15A.240 at the time the child is committed or recommitted to the
3 custody of the Department of Juvenile Justice. The Department of
4 Juvenile Justice shall remove the child from the approved secure
5 juvenile detention facility and secure appropriate placement as soon as
6 possible but not to exceed thirty-five (35) days of the time of
7 commitment or recommitment; and
- 8 2. Pay for the cost of detention from the date of commitment or
9 recommitment, on the current charge, until the child is removed from
10 the detention facility and placed.
- 11 (d) All orders of commitment may include advisory recommendations the court
12 may deem proper in the best interests of the child and of the public.~~;~~
- 13 **(e) Any child committed under this section, other than a child previously**
14 **assessed pending a detention hearing, shall be assessed by a mental health**
15 **professional to determine if the child exhibits behavior that indicates the**
16 **child could benefit from cognitive behavioral therapy, other evidence-based**
17 **behavioral health programs, substance use disorder treatment, or treatment**
18 **in a psychiatric facility for serious mental illness. Any treatment**
19 **recommended under this paragraph shall be provided by the Department of**
20 **Juvenile Justice and may be provided pursuant to a contract between the**
21 **Justice and Public Safety Cabinet and a behavioral health services**
22 **organization.**
- 23 **(f) The Justice and Public Safety Cabinet may enter into a contract or**
24 **contracts with at least one (1):**
- 25 **1. Mental health professional whose communications with the child shall**
26 **be confidential in conformity with the Kentucky Rules of Evidence, to**
27 **provide the assessment required by paragraph (e) of this subsection;**

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2. Behavioral health services organization that is accredited and qualified to provide behavioral health treatment.

(g) Behavioral health services organizations contracted pursuant to paragraph (f) of this subsection may utilize restorative practices designed to hold the participant accountable to the victim if there is an identified victim and, in the professional opinion of the behavioral health service provider, it is safe to do so; or

- (5) (a) The court may probate or suspend a commitment ordered pursuant to subsection (4) of this section, except that if a court probates or suspends a commitment in conjunction with any other dispositional alternative, that fact shall be explained to the juvenile and contained in a written order.
- (b) Any probation or suspension imposed shall not exceed the time limitations established under subsection (2) of this section.
- (c) If the child successfully completes the conditions of probation, the court shall terminate the case.
- (d) 1. The court may, for violations of the conditions of probation, revoke the probation or suspension ordered under this section and order the child committed.
2. The period of the commitment shall not exceed the terms established under subsection (4) of this section.
3. Any time a child has spent in out-of-home placement as a result of a violation of a condition of probation or suspension under this section shall be credited toward the period of commitment.
4. If a commitment is probated or suspended after a child reaches the age of seventeen (17) years and six (6) months, the period of the suspension, and commitment if revoked, shall be for a period not to exceed one (1)

1 year, but not to exceed age nineteen (19).

2 ➔Section 6. KRS 610.340 is amended to read as follows:

- 3 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,
4 all juvenile court records of any nature generated pursuant to KRS Chapters
5 600 to 645 by any agency or instrumentality, public or private, shall be
6 deemed to be confidential and shall not be disclosed except to the child,
7 parent, victims, or other persons authorized to attend a juvenile court hearing
8 pursuant to KRS 610.070 unless ordered by the court for good cause.
- 9 (b) Juvenile court records which contain information pertaining to arrests,
10 petitions, adjudications, and dispositions of a child may be disclosed to
11 victims or other persons authorized to attend a juvenile court hearing pursuant
12 to KRS 610.070.
- 13 (c) Release of the child's treatment, medical, mental, or psychological records is
14 prohibited unless presented as evidence in Circuit Court. Any records
15 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-
16 B of the Federal Social Security Act shall not be disclosed to victims or other
17 persons authorized to attend a juvenile court hearing pursuant to KRS
18 610.070.
- 19 (d) Victim access under this subsection to juvenile court records shall include
20 access to records of adjudications that occurred prior to July 15, 1998.
- 21 (2) The provisions of this section shall not apply to public officers or employees
22 engaged in the investigation of and in the prosecution of cases under KRS Chapters
23 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained
24 pursuant to this subsection shall be used for official use only, shall not be disclosed
25 publicly, and shall be exempt from disclosure under the Open Records Act, KRS
26 61.870 to 61.884.
- 27 (3) The provisions of this section shall not apply to any peace officer, as defined in

1 KRS 446.010, who is engaged in the investigation or prosecution of cases under
2 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any
3 record obtained pursuant to this subsection shall be used for official use only, shall
4 not be disclosed publicly, and shall be exempt from disclosure under the Open
5 Records Act, KRS 61.870 to 61.884.

6 (4) The provisions of this section shall not apply to employees of the Department of
7 Juvenile Justice or cabinet or its designees responsible for any services under KRS
8 Chapters 600 to 645 or to attorneys for parties involved in actions relating to KRS
9 Chapters 600 to 645 or other prosecutions authorized by the Kentucky Revised
10 Statutes.

11 (5) The provisions of this section shall not apply to records disclosed pursuant to KRS
12 610.320 or to public or private elementary and secondary school administrative,
13 transportation, and counseling personnel, to any teacher or school employee with
14 whom the student may come in contact, or to persons entitled to have juvenile
15 records under KRS 610.345, if the possession and use of the records is in
16 compliance with the provisions of KRS 610.345 and this section.

17 **(6) (a) The provisions of this section shall not apply to records or proceedings in**
18 **any case in which a child has made an admission to or been adjudicated for**
19 **a violent felony offense as defined in KRS 532.200 until the expiration of a**
20 **three (3) year period from the date of admission or adjudication.**

21 **(b) If the child has not received any additional public offense convictions**
22 **during the three (3) year period from the date of admission or adjudication,**
23 **all records in the case shall be automatically sealed and shall not be**
24 **disclosed consistent with the provisions of this section.**

25 **(c) As used in this subsection, "admission" means a formal admission in a**
26 **case, on the record, upon the waiving of an adjudication hearing.**

27 ~~(7)(6)~~ No person, including school personnel, shall disclose any confidential record

1 or any information contained therein except as permitted by this section or other
2 specific section of KRS Chapters 600 to 645, or except as permitted by specific
3 order of the court.

4 ~~(8)~~~~(7)~~ No person, including school personnel, authorized to obtain records pursuant
5 to KRS Chapters 600 to 645 shall obtain or attempt to obtain confidential records to
6 which he or she is not entitled or for purposes for which he or she is not permitted
7 to obtain them pursuant to KRS Chapters 600 to 645.

8 ~~(9)~~~~(8)~~ No person, including school personnel, not authorized to obtain records
9 pursuant to KRS Chapters 600 to 645 shall obtain or attempt to obtain records
10 which are made confidential pursuant to KRS Chapters 600 to 645 except upon
11 proper motion to a court of competent jurisdiction.

12 ~~(10)~~~~(9)~~ No person shall destroy or attempt to destroy any record required to be kept
13 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to
14 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and
15 good cause for the destruction being shown.

16 ~~(11)~~~~(10)~~ As used in this section the term "KRS Chapters 600 to 645" includes any
17 administrative regulations which are lawfully promulgated pursuant to KRS
18 Chapters 600 to 645.

19 ~~(12)~~~~(11)~~ Nothing in this section shall be construed to prohibit a crime victim from
20 speaking publicly after the adjudication about his or her case on matters within his
21 or her knowledge or on matters disclosed to the victim during any aspect of a
22 juvenile court proceeding.

23 ➔Section 7. There is hereby appropriated General Fund moneys in the amount of
24 \$3,400,000 in fiscal year 2022-2023 to the Department of Juvenile Justice for a capital
25 project to assess and design the renovation of the Jefferson County Youth Detention
26 Center contingent upon the completed transfer of property deed to the Commonwealth.

27 ➔Section 8. There is hereby appropriated General Fund moneys in the amount of

1 \$10,000,000 in fiscal year 2023-2024 to the Department of Juvenile Justice for a capital
2 project for the first phase to renovate the Jefferson County Youth Detention Center
3 contingent upon the completed transfer of property deed to the Commonwealth.

4 →Section 9. There is hereby appropriated General Fund moneys in the amount of
5 \$2,000,000 in fiscal year 2023-2024 to the Department of Juvenile Justice for the
6 operating costs of the Jefferson County Youth Detention Center.

7 →Section 10. There is hereby appropriated General Fund moneys in the amount
8 of \$4,500,000 in fiscal year 2023-2024 to the Department of Juvenile Justice for the
9 renovation of the Jefferson Regional Juvenile Detention Facility at Lyndon.

10 →Section 11. The Cabinet for Health and Family Services is directed to provide
11 youth in juvenile detention access to Medicaid benefits to the extent allowed by the
12 federal Centers for Medicare and Medicaid Services.