

1 AN ACT relating to children.

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

3 ➔Section 1. KRS 600.020 is amended to read as follows:

4 As used in KRS Chapters 600 to 645, unless the context otherwise requires:

5 (1) "Abused or neglected child" means a child whose health or welfare is harmed or  
6 threatened with harm when:

7 (a) His or her parent, guardian, person in a position of authority or special trust,  
8 as defined in KRS 532.045, or other person exercising custodial control or  
9 supervision of the child:

- 10 1. Inflicts or allows to be inflicted upon the child physical or emotional  
11 injury as defined in this section by other than accidental means;
- 12 2. Creates or allows to be created a risk of physical or emotional injury as  
13 defined in this section to the child by other than accidental means;
- 14 3. Engages in a pattern of conduct that renders the parent incapable of  
15 caring for the immediate and ongoing needs of the child, including but  
16 not limited to parental incapacity due to a substance use disorder as  
17 defined in KRS 222.005;
- 18 4. Continuously or repeatedly fails or refuses to provide essential parental  
19 care and protection for the child, considering the age of the child;
- 20 5. Commits or allows to be committed an act of sexual abuse, sexual  
21 exploitation, or prostitution upon the child;
- 22 6. Creates or allows to be created a risk that an act of sexual abuse, sexual  
23 exploitation, or prostitution will be committed upon the child;
- 24 7. Abandons or exploits the child;
- 25 8. Does not provide the child with adequate care, supervision, food,  
26 clothing, shelter, and education or medical care necessary for the child's  
27 well-being when financially able to do so or offered financial or other

1 means to do so. A parent or other person exercising custodial control or  
2 supervision of the child legitimately practicing the person's religious  
3 beliefs shall not be considered a negligent parent solely because of  
4 failure to provide specified medical treatment for a child for that reason  
5 alone. This exception shall not preclude a court from ordering necessary  
6 medical services for a child;

7 9. Fails to make sufficient progress toward identified goals as set forth in  
8 the court-approved case plan to allow for the safe return of the child to  
9 the parent that results in the child remaining committed to the cabinet  
10 and remaining in foster care for fifteen (15) cumulative months out of  
11 forty-eight (48) months; or

12 10. Commits or allows female genital mutilation as defined in KRS 508.125  
13 to be committed; or

14 (b) A person twenty-one (21) years of age or older commits or allows to be  
15 committed an act of sexual abuse, sexual exploitation, or prostitution upon a  
16 child less than sixteen (16) years of age;

17 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.  
18 675(11);

19 (3) "Aggravated circumstances" means the existence of one (1) or more of the  
20 following conditions:

21 (a) The parent has not attempted or has not had contact with the child for a period  
22 of not less than ninety (90) days;

23 (b) The parent is incarcerated and will be unavailable to care for the child for a  
24 period of at least one (1) year from the date of the child's entry into foster care  
25 and there is no appropriate relative placement available during this period of  
26 time;

27 (c) The parent has sexually abused the child and has refused available treatment;

1 (d) The parent has been found by the cabinet to have engaged in abuse of the  
2 child that required removal from the parent's home two (2) or more times in  
3 the past two (2) years; or

4 (e) The parent has caused the child serious physical injury;

5 (4) **"Alternative to detention center" means any building that provides a less**  
6 **restrictive environment than a secure juvenile detention facility, is operated by or**  
7 **contracted through the Department of Juvenile Justice, and is approved for use**  
8 **as an alternative to detention program pursuant to Section 7 of this Act;**

9 **(5)** "Beyond the control of parents" means a child who has repeatedly failed to follow  
10 the reasonable directives of his or her parents, legal guardian, or person exercising  
11 custodial control or supervision other than a state agency, which behavior results in  
12 danger to the child or others, and which behavior does not constitute behavior that  
13 would warrant the filing of a petition under KRS Chapter 645;

14 **(6)**~~(5)~~ "Beyond the control of school" means any child who has been found by the  
15 court to have repeatedly violated the lawful regulations for the government of the  
16 school as provided in KRS 158.150, and as documented in writing by the school as  
17 a part of the school's petition or as an attachment to the school's petition. The  
18 petition or attachment shall describe the student's behavior and all intervention  
19 strategies attempted by the school;

20 **(7)**~~(6)~~ "Boarding home" means a privately owned and operated home for the  
21 boarding and lodging of individuals which is approved by the Department of  
22 Juvenile Justice or the cabinet for the placement of children committed to the  
23 department or the cabinet;

24 **(8)**~~(7)~~ "Cabinet" means the Cabinet for Health and Family Services;

25 **(9)**~~(8)~~ "Certified juvenile facility staff" means individuals who meet the  
26 qualifications of, and who have completed a course of education and training in  
27 juvenile detention developed and approved by, the Department of Juvenile Justice

1 after consultation with other appropriate state agencies;

2 ~~(10)~~<sup>(9)</sup> "Child" means any person who has not reached his or her eighteenth birthday,  
3 unless otherwise provided;

4 ~~(11)~~<sup>(10)</sup> "Child-caring facility" means any facility or group home other than a state  
5 facility, Department of Juvenile Justice contract facility or group home, or one  
6 certified by an appropriate agency as operated primarily for educational or medical  
7 purposes, providing residential care on a twenty-four (24) hour basis to children not  
8 related by blood, adoption, or marriage to the person maintaining the facility;

9 ~~(12)~~<sup>(11)</sup> "Child-placing agency" means any agency, other than a state agency, which  
10 supervises the placement of children in foster family homes or child-caring  
11 facilities or which places children for adoption;{

12 ~~(12)~~ "Clinical treatment facility" means a facility with more than eight (8) beds  
13 designated by the Department of Juvenile Justice or the cabinet for the treatment of  
14 mentally ill children. The treatment program of such facilities shall be supervised  
15 by a qualified mental health professional;}

16 (13) "Commitment" means an order of the court which places a child under the custodial  
17 control or supervision of the Cabinet for Health and Family Services, Department  
18 of Juvenile Justice, or another facility or agency until the child attains the age of  
19 eighteen (18) unless otherwise provided by law;

20 ~~(14)~~ {"Community based facility" means any nonsecure, homelike facility licensed,  
21 operated, or permitted to operate by the Department of Juvenile Justice or the  
22 cabinet, which is located within a reasonable proximity of the child's family and  
23 home community, which affords the child the opportunity, if a Kentucky resident,  
24 to continue family and community contact;

25 ~~(15)~~ {"Complaint" means a verified statement setting forth allegations in regard to the  
26 child which contain sufficient facts for the formulation of a subsequent petition;

27 ~~(15)~~<sup>(16)</sup> "Court" means the juvenile session of District Court unless a statute specifies

1 the adult session of District Court or the Circuit Court;

2 ~~(16)~~~~(17)~~ "Court-designated worker" means that organization or individual delegated by  
3 the Administrative Office of the Courts for the purposes of placing children in  
4 alternative placements prior to arraignment, conducting preliminary investigations,  
5 and formulating, entering into, and supervising diversion agreements and  
6 performing such other functions as authorized by law or court order;

7 ~~(17)~~~~(18)~~ "Deadly weapon" has the same meaning as it does in KRS 500.080;

8 ~~(18)~~~~(19)~~ "Department" means the Department for Community Based Services;

9 ~~(19)~~~~(20)~~ "Dependent child" means any child, other than an abused or neglected child,  
10 who is under improper care, custody, control, or guardianship that is not due to an  
11 intentional act of the parent, guardian, or person exercising custodial control or  
12 supervision of the child;

13 ~~(20)~~~~(21)~~ "Detention" means the safe and temporary **housing**~~[custody]~~ of a juvenile  
14 who is accused of conduct subject to the jurisdiction of the court who requires a  
15 restricted or closely supervised environment for his or her own or the community's  
16 protection;

17 ~~(21)~~~~(22)~~ "Detention hearing" means a hearing held by a judge or trial commissioner  
18 within twenty-four (24) hours, exclusive of weekends and holidays, of the start of  
19 any period of detention prior to adjudication;

20 ~~(22)~~~~(23)~~ "Diversion agreement" means a mechanism designed to hold a child  
21 accountable for his or her behavior and, if appropriate, securing services to serve  
22 the best interest of the child and to provide redress for that behavior without court  
23 action and without the creation of a formal court record;

24 ~~(23)~~~~(24)~~ "Eligible youth" means a person who:

- 25 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;  
26 (b) Is eighteen (18) years of age to nineteen (19) years of age; and  
27 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in

1 order to participate in state or federal educational programs or to establish  
2 independent living arrangements;

3 ~~(24)~~~~(25)~~ "Emergency shelter" is a group home, private residence, foster home, or  
4 similar homelike facility which provides temporary or emergency care of children  
5 and adequate staff and services consistent with the needs of each child;

6 ~~(25)~~~~(26)~~ "Emotional injury" means an injury to the mental or psychological capacity or  
7 emotional stability of a child as evidenced by a substantial and observable  
8 impairment in the child's ability to function within a normal range of performance  
9 and behavior with due regard to his or her age, development, culture, and  
10 environment as testified to by a qualified mental health professional;

11 ~~(26)~~~~(27)~~ "Evidence-based practices" means policies, procedures, programs, and  
12 practices proven by scientific research to reliably produce reductions in recidivism;

13 ~~(27)~~~~(28)~~ "Fictive kin" means an individual who is not related by birth, adoption, or  
14 marriage to a child, but who has an emotionally significant relationship with the  
15 child, or an emotionally significant relationship with a biological parent, siblings, or  
16 half-siblings of the child in the case of a child from birth to twelve (12) months of  
17 age, prior to placement;

18 ~~(28)~~~~(29)~~ "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;

19 ~~(29)~~~~(30)~~ "Foster family home" means a private home in which children are placed for  
20 foster family care under supervision of the cabinet or a licensed child-placing  
21 agency;

22 ~~(30)~~~~(31)~~ "Graduated sanction" means any of a continuum of accountability measures,  
23 programs, and sanctions, ranging from less restrictive to more restrictive in nature,  
24 that may include but are not limited to:

- 25 (a) Electronic monitoring;
- 26 (b) Drug and alcohol screening, testing, or monitoring;
- 27 (c) Day or evening reporting centers;

- 1 (d) Reporting requirements;
- 2 (e) Community service; and
- 3 (f) Rehabilitative interventions such as family counseling, substance abuse
- 4 treatment, restorative justice programs, and behavioral or mental health
- 5 treatment;

6 **(31) "Group home" means a community-based and homelike residential treatment**

7 **facility for committed youth operated by the Department of Juvenile Justice;**

8 (32) "Habitual runaway" means any child who has been found by the court to have been

9 absent from his or her place of lawful residence without the permission of his or her

10 custodian for at least three (3) days during a one (1) year period;

11 (33) "Habitual truant" means any child who has been found by the court to have been

12 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a

13 one (1) year period;

14 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or

15 public facility, health care facility, or part thereof, which is approved by the cabinet

16 to treat children;

17 (35) "Independent living" means those activities necessary to assist a committed child to

18 establish independent living arrangements;

19 (36) "Informal adjustment" means an agreement reached among the parties, with

20 consultation, but not the consent, of the victim of the crime or other persons

21 specified in KRS 610.070 if the victim chooses not to or is unable to participate,

22 after a petition has been filed, which is approved by the court, that the best interest

23 of the child would be served without formal adjudication and disposition;

24 (37) "Intentionally" means, with respect to a result or to conduct described by a statute

25 which defines an offense, that the actor's conscious objective is to cause that result

26 or to engage in that conduct;

27 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that

1 the program developed on the child's behalf is no more harsh, hazardous, or  
 2 intrusive than necessary; or involves no restrictions on physical movements nor  
 3 requirements for residential care except as reasonably necessary for the protection  
 4 of the child from physical injury; or protection of the community, and is conducted  
 5 at the suitable available facility closest to the child's place of residence to allow for  
 6 appropriate family engagement;

7 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS  
 8 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;

9 (40) "Near fatality" means an injury that, as certified by a physician, places a child in  
 10 serious or critical condition;

11 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;

12 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and  
 13 who has not been otherwise charged with a status or public offense;

14 ~~(43) "Nonsecure facility" means a facility which provides its residents access to the~~  
 15 ~~surrounding community and which does not rely primarily on the use of physically~~  
 16 ~~restricting construction and hardware to restrict freedom;~~

17 ~~(44) "Nonsecure setting" means a nonsecure facility or a residential home, including a~~  
 18 ~~child's own home, where a child may be temporarily placed pending further court~~  
 19 ~~action. Children before the court in a county that is served by a state operated~~  
 20 ~~secure detention facility, who are in the detention custody of the Department of~~  
 21 ~~Juvenile Justice, and who are placed in a nonsecure alternative by the Department~~  
 22 ~~of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;~~

23 ~~(45) "Out-of-home placement":~~

24 (a) Means a placement other than in the home of a parent, relative, or guardian, in  
 25 a boarding home,~~clinical~~ treatment facility~~, community based facility~~,  
 26 detention facility, emergency shelter, fictive kin home, foster family home,  
 27 hospital, secure juvenile detention~~nonsecure facility, physically secure~~

1 facility, residential treatment facility, or ~~youth~~ alternative to detention  
2 center; and

3 **(b) Does not include a placement paid for by a parent, relative, or guardian;**

4 ~~(44)~~~~(46)~~ "Parent" means the biological or adoptive mother or father of a child;

5 ~~(45)~~~~(47)~~ "Person exercising custodial control or supervision" means a person or agency  
6 that has assumed the role and responsibility of a parent or guardian for the child, but  
7 that does not necessarily have legal custody of the child;

8 ~~(46)~~~~(48)~~ "Petition" means a verified statement, setting forth allegations in regard to the  
9 child, which initiates formal court involvement in the child's case;

10 ~~(47)~~~~(49)~~ "Physical injury" means substantial physical pain or any impairment of  
11 physical condition;{

12 ~~(50) "Physically secure facility" means a facility that relies primarily on the use of~~  
13 ~~construction and hardware such as locks, bars, and fences to restrict freedom;}~~

14 ~~(48)~~~~(51)~~ "Public offense action" means an action, excluding contempt, brought in the  
15 interest of a child who is accused of committing an offense under KRS Chapter 527  
16 or a public offense which, if committed by an adult, would be a crime, whether the  
17 same is a felony, misdemeanor, or violation, other than an action alleging that a  
18 child sixteen (16) years of age or older has committed a motor vehicle offense;

19 ~~(49)~~~~(52)~~ "Qualified mental health professional" means:

20 (a) A physician licensed under the laws of Kentucky to practice medicine or  
21 osteopathy, or a medical officer of the government of the United States while  
22 engaged in the performance of official duties;

23 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or  
24 osteopathy, or a medical officer of the government of the United States while  
25 engaged in the practice of official duties, and who is certified or eligible to  
26 apply for certification by the American Board of Psychiatry and Neurology,  
27 Inc.;

- 1 (c) A psychologist with the health service provider designation, a psychological  
2 practitioner, a certified psychologist, or a psychological associate licensed  
3 under the provisions of KRS Chapter 319;
- 4 (d) A licensed registered nurse with a master's degree in psychiatric nursing from  
5 an accredited institution and two (2) years of clinical experience with  
6 mentally ill persons, or a licensed registered nurse with a bachelor's degree in  
7 nursing from an accredited institution who is certified as a psychiatric and  
8 mental health nurse by the American Nurses Association and who has three  
9 (3) years of inpatient or outpatient clinical experience in psychiatric nursing  
10 and who is currently employed by a hospital or forensic psychiatric facility  
11 licensed by the Commonwealth or a psychiatric unit of a general hospital, a  
12 private agency or company engaged in providing mental health services, or a  
13 regional comprehensive care center;
- 14 (e) A licensed clinical social worker licensed under the provisions of KRS  
15 335.100, or a certified social worker licensed under the provisions of KRS  
16 335.080 with three (3) years of inpatient or outpatient clinical experience in  
17 psychiatric social work and currently employed by a hospital or forensic  
18 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a  
19 general hospital, a private agency or company engaged in providing mental  
20 health services, or a regional comprehensive care center;
- 21 (f) A marriage and family therapist licensed under the provisions of KRS  
22 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical  
23 experience in psychiatric mental health practice and currently employed by a  
24 hospital or forensic psychiatric facility licensed by the Commonwealth, a  
25 psychiatric unit of a general hospital, a private agency or company engaged in  
26 providing mental health services, or a regional comprehensive care center;
- 27 (g) A professional counselor credentialed under the provisions of KRS 335.500 to

1           335.599 with three (3) years of inpatient or outpatient clinical experience in  
2           psychiatric mental health practice and currently employed by a hospital or  
3           forensic facility licensed by the Commonwealth, a psychiatric unit of a  
4           general hospital, a private agency or company engaged in providing mental  
5           health services, or a regional comprehensive care center; or

6           (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one  
7           (1) of the following requirements:

8           1. Provides documentation that he or she has completed a psychiatric  
9           residency program for physician assistants;

10          2. Has completed at least one thousand (1,000) hours of clinical experience  
11          under a supervising physician, as defined by KRS 311.840, who is a  
12          psychiatrist and is certified or eligible for certification by the American  
13          Board of Psychiatry and Neurology, Inc.;

14          3. Holds a master's degree from a physician assistant program accredited  
15          by the Accreditation Review Commission on Education for the  
16          Physician Assistant or its predecessor or successor agencies, is  
17          practicing under a supervising physician as defined by KRS 311.840,  
18          and:

19          a. Has two (2) years of clinical experience in the assessment,  
20          evaluation, and treatment of mental disorders; or

21          b. Has been employed by a hospital or forensic psychiatric facility  
22          licensed by the Commonwealth or a psychiatric unit of a general  
23          hospital or a private agency or company engaged in the provision  
24          of mental health services or a regional community program for  
25          mental health and individuals with an intellectual disability for at  
26          least two (2) years; or

27          4. Holds a bachelor's degree, possesses a current physician assistant

1 certificate issued by the board prior to July 15, 2002, is practicing under  
2 a supervising physician as defined by KRS 311.840, and:

- 3 a. Has three (3) years of clinical experience in the assessment,  
4 evaluation, and treatment of mental disorders; or
- 5 b. Has been employed by a hospital or forensic psychiatric facility  
6 licensed by the Commonwealth or a psychiatric unit of a general  
7 hospital or a private agency or company engaged in the provision  
8 of mental health services or a regional community program for  
9 mental health and individuals with an intellectual disability for at  
10 least three (3) years;

11 ~~(50)~~~~(53)~~ "Reasonable and prudent parent standard" has the same meaning as in 42  
12 U.S.C. sec. 675(10);

13 ~~(51)~~~~(54)~~ "Residential treatment facility" means a facility or group home with more  
14 than eight (8) beds designated by the Department of Juvenile Justice or the cabinet  
15 for the treatment of children;

16 ~~(52)~~~~(55)~~ "Retain in custody" means, after a child has been taken into custody, the  
17 continued holding of the child by a peace officer for a period of time not to exceed  
18 twelve (12) hours when authorized by the court or the court-designated worker for  
19 the purpose of making preliminary inquiries;

20 ~~(53)~~~~(56)~~ "Risk and needs assessment" means an actuarial tool scientifically proven to  
21 identify specific factors and needs that are related to delinquent and noncriminal  
22 misconduct;

23 ~~(54)~~~~(57)~~ "Safety plan" means a written agreement developed by the cabinet and agreed  
24 to by a family that clearly describes the protective services that the cabinet will  
25 provide the family in order to manage ~~risks~~~~threats~~ to a child's safety;

26 ~~(55)~~~~(58)~~ "School personnel" means those certified persons under the supervision of the  
27 local public or private education agency;

1 ~~(56)~~~~(59)~~ "Secretary" means the secretary of the Cabinet for Health and Family  
2 Services;

3 ~~(57)~~~~(60)~~ "Secure juvenile detention facility" means any ~~physically secure~~ facility  
4 used for the secure detention of children other than any facility in which adult  
5 prisoners are confined;

6 ~~(58)~~~~(61)~~ "Serious physical injury" means physical injury which creates a substantial  
7 risk of death or which causes serious and prolonged disfigurement, prolonged  
8 impairment of health, or prolonged loss or impairment of the function of any bodily  
9 member or organ;

10 ~~(59)~~~~(62)~~ "Sexual abuse" includes but is not necessarily limited to any contacts or  
11 interactions in which the parent, guardian, person in a position of authority or  
12 special trust, as defined in KRS 532.045, or other person having custodial control or  
13 supervision of the child or responsibility for his or her welfare, uses or allows,  
14 permits, or encourages the use of the child for the purposes of the sexual  
15 stimulation of the perpetrator or another person;

16 ~~(60)~~~~(63)~~ "Sexual exploitation" includes but is not limited to a situation in which a  
17 parent, guardian, person in a position of authority or special trust, as defined in  
18 KRS 532.045, or other person having custodial control or supervision of a child or  
19 responsible for his or her welfare, allows, permits, or encourages the child to  
20 engage in an act which constitutes prostitution under Kentucky law; or a parent,  
21 guardian, person in a position of authority or special trust, as defined in KRS  
22 532.045, or other person having custodial control or supervision of a child or  
23 responsible for his or her welfare, allows, permits, or encourages the child to  
24 engage in an act of obscene or pornographic photographing, filming, or depicting of  
25 a child as provided for under Kentucky law;

26 ~~(61)~~~~(64)~~ "Social service worker" means any employee of the cabinet or any private  
27 agency designated as such by the secretary of the cabinet or a social worker

1 employed by a county or city who has been approved by the cabinet to provide,  
2 under its supervision, services to families and children;[

3 ~~(65) "Staff secure facility for residential treatment" means any setting which assures that~~  
4 ~~all entrances and exits are under the exclusive control of the facility staff, and in~~  
5 ~~which a child may reside for the purpose of receiving treatment;]~~

6 ~~(62)[(66)]~~ "Statewide reporting system" means a system for making and compiling  
7 reports of child dependency, neglect, and abuse in Kentucky made via telephone  
8 call or in writing by a member of the public;

9 ~~(63)[(67)]~~ (a) "Status offense action" is any action brought in the interest of a child  
10 who is accused of committing acts, which if committed by an adult, would not  
11 be a crime. Such behavior shall not be considered criminal or delinquent and  
12 such children shall be termed status offenders. Status offenses shall include:

- 13 1. Beyond the control of school or beyond the control of parents;
- 14 2. Habitual runaway;
- 15 3. Habitual truant; and
- 16 4. Alcohol offenses as provided in KRS 244.085.

17 (b) Status offenses shall not include violations of state or local ordinances which  
18 may apply to children such as a violation of curfew;

19 ~~(64)[(68)]~~ "Take into custody" means the procedure by which a peace officer or other  
20 authorized person initially assumes custody of a child. A child may be taken into  
21 custody for a period of time not to exceed two (2) hours;

22 ~~(65)[(69)]~~ "Transitional living support" means all benefits to which an eligible youth is  
23 entitled upon being granted extended or reinstated commitment to the cabinet by the  
24 court;

25 ~~(66)[(70)]~~ "Transition plan" means a plan that is personalized at the direction of the  
26 youth that:

27 (a) Includes specific options on housing, health insurance, education, local

1 opportunities for mentors and continuing support services, and workforce  
2 supports and employment services; and

3 (b) Is as detailed as the youth may elect;

4 ~~(67)~~~~(71)~~ "Valid court order" means a court order issued by a judge to a child alleged or  
5 found to be a status offender:

6 (a) Who was brought before the court and made subject to the order;

7 (b) Whose future conduct was regulated by the order;

8 (c) Who was given written and verbal warning of the consequences of the  
9 violation of the order at the time the order was issued and whose attorney or  
10 parent or legal guardian was also provided with a written notice of the  
11 consequences of violation of the order, which notification is reflected in the  
12 record of the court proceedings; and

13 (d) Who received, before the issuance of the order, the full due process rights  
14 guaranteed by the Constitution of the United States;

15 ~~(68)~~~~(72)~~ "Violation" means any offense, other than a traffic infraction, for which a  
16 sentence of a fine only can be imposed;

17 ~~(69)~~~~(73)~~ "Youth alternative center" means a ~~nonsecure~~ facility, ***operated by a local***  
18 ***government and*** approved by the Department of Juvenile Justice, for the detention  
19 of juveniles, both prior to adjudication and after adjudication, which meets the  
20 criteria specified in KRS 15A.320;

21 ***(70) "Youth development center" means a residential treatment facility for committed***  
22 ***youth operated by the Department of Juvenile Justice; and***

23 ~~(71)~~~~(74)~~ "Youthful offender" means any person regardless of age, transferred to Circuit  
24 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently  
25 convicted in Circuit Court.

26 ➔Section 2. KRS 620.032 is amended to read as follows:

27 (1) By November 1 of each year, beginning in 2021, the cabinet shall submit to the

1 Legislative Research Commission a comprehensive report that does not identify  
 2 individuals, detailing the number of reports the cabinet has received regarding  
 3 female genital mutilation as defined in KRS 508.125, the number of reports in  
 4 which the cabinet has investigated and determined that a child is the victim of  
 5 female genital mutilation, and the number of cases in which services were provided.

6 (2) Beginning August 1, 2024, and monthly thereafter, the cabinet shall **make available**  
 7 **on its website and** deliver to the Legislative Research Commission for referral to  
 8 the Interim Joint Committee, Senate Standing Committee, and House Standing  
 9 Committee on Families and Children, a report on the monthly child protective  
 10 services intakes received by the cabinet. The monthly report shall include at a  
 11 minimum the following:

- 12 (a) Total number of all **reports**~~[intakes]~~;
- 13 (b) All child protective services response **reports**~~[intakes]~~;
- 14 (c) **Reports**~~[intakes]~~ with allegations of:
  - 15 **1.** Abuse; and
  - 16 **2.** Neglect;
- 17 (d) Reports that met acceptance criteria;
- 18 (e) Reports with a substantiated or services needed finding; and
- 19 (f) Reports with a substantiated finding.

20 ➔Section 3. KRS 620.040 is amended to read as follows:

- 21 (1) (a) Upon receipt of a report alleging abuse or neglect of a child as defined in KRS  
 22 600.020 by a parent, guardian, fictive kin, person in a position of authority,  
 23 person in a position of special trust, or person exercising custodial control or  
 24 supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is  
 25 a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the  
 26 report shall immediately notify the cabinet or its designated representative, the  
 27 local law enforcement agency or the Department of Kentucky State Police,

1 and the Commonwealth's or county attorney of the receipt of the report. If any  
2 agency listed above is the reporting source, the recipient shall immediately  
3 notify the cabinet or its designated representative, the local law enforcement  
4 agency, the Department of Kentucky State Police, and the Commonwealth's  
5 or county attorney of the receipt of the report.

- 6 (b) Based upon the allegation in the report, the cabinet shall immediately make an  
7 initial determination as to the risk of harm and immediate safety of the child.  
8 Based upon the level of risk determined, the cabinet shall investigate the  
9 allegation or accept the report for an assessment of family needs and, if  
10 appropriate, may provide or make referral to any community-based services  
11 necessary to reduce risk to the child and to provide family support. A report of  
12 sexual abuse or human trafficking of a child shall be considered high risk and  
13 shall not be referred to any other community agency. *If the:*

- 14 *1. Cabinet's initial determination is that there is risk of harm and*  
15 *immediate safety concerns for the child, the cabinet shall physically*  
16 *locate the child within fourteen (14) days of the initial determination;*  
17 *2. Child is under the age of five (5) years or has other developmental or*  
18 *cognitive delays or a significant medical or mental health condition,*  
19 *the cabinet shall physically locate the child within five (5) working*  
20 *days of the initial determination; and*  
21 *3. Cabinet does not physically locate the child according to the timeline*  
22 *established in this paragraph, the cabinet shall contact local law*  
23 *enforcement to assist in locating the child.*

- 24 (c) In making the initial determination as to the risk of harm and immediate  
25 safety of the child pursuant to paragraph (b) of this subsection, the cabinet  
26 shall at a minimum:

- 27 1. Consider the age and vulnerability of a child, particularly for ages five

- 1 (5) years of age and under, when assessing allegations of abuse and  
 2 neglect;
- 3 2. ~~Automatically~~ Accept for investigation a subsequent report from a  
 4 professional reporting source, who makes a report pursuant to the  
 5 requirements in KRS Chapter 620 that a child is abused or neglected and  
 6 identifies himself or herself by name, title, and employer, when the same  
 7 or similar allegation has been reported by one (1) or more unique  
 8 professional reporting sources within the past thirty (30) days. For the  
 9 purposes of this subparagraph "professional reporting source" means an  
 10 individual who is a social worker, therapist, medical professional,  
 11 educator, judge, attorney, law enforcement officer, or any other  
 12 individual holding a degree or position in a field related to the safety and  
 13 care of children; and
- 14 3. Automatically accept for investigation a report from a court of  
 15 appropriate jurisdiction that makes a report pursuant to the requirements  
 16 in KRS Chapter 620 that a child is abused or neglected or identifies that  
 17 the child is **an alleged victim of domestic violence and abuse as defined**  
 18 **in KRS 403.720 or sexual assault as defined in KRS 456.010** ~~as a~~  
 19 ~~plaintiff~~ in an active emergency protective order or **temporary**  
 20 interpersonal protection order case.
- 21 (d) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and  
 22 holidays, make a written report, including but not limited to electronic  
 23 submissions, to the Commonwealth's or county attorney and the local law  
 24 enforcement agency or the Department of Kentucky State Police concerning  
 25 the action that has been taken on the investigation.
- 26 (e) If the report alleges abuse or neglect by someone other than a parent,  
 27 guardian, fictive kin, person in a position of authority, person in a position of

1 special trust, or person exercising custodial control or supervision, or the  
2 human trafficking of a child, the cabinet shall immediately notify the  
3 Commonwealth's or county attorney and the local law enforcement agency or  
4 the Department of Kentucky State Police.

5 (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and  
6 (2), the recipient shall immediately notify the cabinet or its designated  
7 representative.

8 (b) Based upon the allegation in the report, the cabinet shall immediately make an  
9 initial determination as to the risk of harm and immediate safety of the child.  
10 Based upon the level of risk, the cabinet shall investigate the allegation or  
11 accept the report for an assessment of family needs and, if appropriate, may  
12 provide or make referral to any community-based services necessary to reduce  
13 risk to the child and to provide family support. A report of sexual abuse or  
14 human trafficking of a child shall be considered high risk and shall not be  
15 referred to any other community agency. *If the:*

16 *1. Cabinet's initial determination is that there is risk of harm and*  
17 *immediate safety concerns for the child, the cabinet shall physically*  
18 *locate the child within fourteen (14) days of the initial determination;*

19 *2. Child is under the age of five (5) years or has other developmental or*  
20 *cognitive delays or significant medical or mental health condition, the*  
21 *cabinet shall physically locate the child within five (5) working days of*  
22 *the initial determination; and*

23 *3. Cabinet does not physically locate the child according to the timeline*  
24 *established in this paragraph, the cabinet shall contact local law*  
25 *enforcement to assist in locating the child.*

26 (c) In making the initial determination as to the risk of harm and immediate  
27 safety of the child pursuant to paragraph (b) of this subsection, the cabinet

1 shall at a minimum:

2 1. Consider the age and vulnerability of a child, particularly for ages five  
3 (5) years of age and under, when assessing allegations of dependency;

4 2. ~~Automatically~~ Accept for investigation a subsequent report from a  
5 professional reporting source, who makes a report pursuant to the  
6 requirements in KRS Chapter 620 that a child is dependent and  
7 identifies himself or herself by name, title, and employer, when the same  
8 or similar allegation has been reported by one (1) or more unique  
9 professional reporting sources within the past thirty (30) days. For the  
10 purposes of this subparagraph "professional reporting source" means an  
11 individual who is a social worker, therapist, medical professional,  
12 educator, judge, attorney, law enforcement officer, or any other  
13 individual holding a degree or position in a field related to the safety and  
14 care of children; and

15 3. Automatically accept for investigation a report from a court of  
16 appropriate jurisdiction that makes a report pursuant to the requirements  
17 in KRS Chapter 620 that a child is dependent or identifies that the child  
18 is **an alleged victim of domestic violence and abuse as defined in KRS**  
19 **403.720 or sexual assault as defined in KRS 456.010**~~[a plaintiff]~~ in an  
20 active emergency protective order or **temporary** interpersonal protection  
21 order case.

22 (d) The cabinet need not notify the local law enforcement agency or the  
23 Department of Kentucky State Police or Commonwealth's or county attorney  
24 of reports made under this subsection unless the report involves the human  
25 trafficking of a child, in which case the notification shall be required.

26 (3) If the cabinet or its designated representative receives a report of abuse by a person  
27 other than a parent, guardian, fictive kin, person in a position of authority, person in

1 a position of special trust, or other person exercising custodial control or  
2 supervision of a child, it shall immediately notify the local law enforcement agency  
3 or the Department of Kentucky State Police and the Commonwealth's or county  
4 attorney of the receipt of the report and its contents, and they shall investigate the  
5 matter. The cabinet or its designated representative shall participate in an  
6 investigation of noncustodial physical abuse or neglect at the request of the local  
7 law enforcement agency or the Department of Kentucky State Police. The cabinet  
8 shall participate in all investigations of reported or suspected sexual abuse or human  
9 trafficking of a child.

10 (4) School personnel or other persons listed in KRS 620.030(2) do not have the  
11 authority to conduct internal investigations in lieu of the official investigations  
12 outlined in this section.

13 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its  
14 designated representative cannot gain admission to the location of the child, a  
15 search warrant shall be requested from, and may be issued by, the judge to the  
16 appropriate law enforcement official upon probable cause that the child is  
17 dependent, neglected, or abused. If, pursuant to a search under a warrant, a  
18 child is discovered and appears to be in imminent danger, the child may be  
19 removed by the law enforcement officer.

20 (b) If a child who is in a hospital or under the immediate care of a physician  
21 appears to be in imminent danger if he or she is returned to the persons having  
22 custody of him or her, the physician or hospital administrator may hold the  
23 child without court order, provided that a request is made to the court for an  
24 emergency custody order at the earliest practicable time, not to exceed  
25 seventy-two (72) hours.

26 (c) Any appropriate law enforcement officer may take a child into protective  
27 custody and may hold that child in protective custody without the consent of

1 the parent or other person exercising custodial control or supervision if there  
2 exist reasonable grounds for the officer to believe that the child is in danger of  
3 imminent death or serious physical injury, is being sexually abused, or is a  
4 victim of human trafficking and that the parents or other person exercising  
5 custodial control or supervision are unable or unwilling to protect the child.  
6 The officer or the person to whom the officer entrusts the child shall, within  
7 twelve (12) hours of taking the child into protective custody, request the court  
8 to issue an emergency custody order.

9 (d) When a law enforcement officer, hospital administrator, or physician takes a  
10 child into custody without the consent of the parent or other person exercising  
11 custodial control or supervision, he or she shall provide written notice to the  
12 parent or other person stating the reasons for removal of the child. Failure of  
13 the parent or other person to receive notice shall not, by itself, be cause for  
14 civil or criminal liability.

15 (e) 1. If a report includes a child fatality or near fatality, and the law  
16 enforcement officer has reasonable grounds to believe any parent or  
17 person exercising custodial control or supervision of the child was under  
18 the influence of alcohol or drugs at the time the fatality or near fatality  
19 occurred, the law enforcement officer shall request a test of blood,  
20 breath, or urine from that person.

21 2. If, after making the request, consent is not given for the test of blood,  
22 breath, or urine, a search warrant shall be requested from and may be  
23 issued by the judge to the appropriate law enforcement official upon  
24 probable cause that a child fatality or near fatality has occurred and that  
25 the person exercising custodial control or supervision of the child at the  
26 time of the fatality or near fatality was under the influence.

27 3. Any test requested under this section shall be conducted pursuant to the

1 testing procedures and requirements in KRS 189A.103.

2 (6) The cabinet shall make efforts as soon as practicable to determine any military  
3 status of a parent or legal guardian of a child who is the subject of an investigation  
4 or assessment pursuant to this section. If the cabinet determines that the parent or  
5 legal guardian is a member of the United States Armed Forces, the cabinet shall  
6 notify the Department of Defense family advocacy program operating within the  
7 service member's assigned installation of the investigation or assessment and  
8 provide case information.

9 (7) To the extent practicable and when in the best interest of a child alleged to have  
10 been abused, interviews with the child shall be conducted at a children's advocacy  
11 center.

12 (8) (a) One (1) or more multidisciplinary teams may be established in every county  
13 or group of contiguous counties.

14 (b) Membership of the multidisciplinary team shall include but shall not be  
15 limited to social service workers employed by the Cabinet for Health and  
16 Family Services and law enforcement officers. Additional team members may  
17 include Commonwealth's and county attorneys, children's advocacy center  
18 staff, mental health professionals, medical professionals, victim advocates  
19 including advocates for victims of human trafficking, educators, and other  
20 related professionals, as deemed appropriate.

21 (c) The multidisciplinary team shall review child sexual abuse cases and child  
22 human trafficking cases involving commercial sexual activity referred by  
23 participating professionals, including those in which the alleged perpetrator  
24 does not have custodial control or supervision of the child or is not  
25 responsible for the child's welfare. The purpose of the multidisciplinary team  
26 shall be to review investigations, assess service delivery, and to facilitate  
27 efficient and appropriate disposition of cases through the criminal justice

1 system.

2 (d) The team shall hold regularly scheduled meetings if new reports of sexual  
3 abuse or child human trafficking cases involving commercial sexual activity  
4 are received or if active cases exist. At each meeting, each active case shall be  
5 presented and the agencies' responses assessed.

6 (e) The multidisciplinary team shall provide an annual report to the public of  
7 nonidentifying case information to allow assessment of the processing and  
8 disposition of child sexual abuse cases and child human trafficking cases  
9 involving commercial sexual activity.

10 (f) Multidisciplinary team members and anyone invited by the multidisciplinary  
11 team to participate in a meeting shall not divulge case information, including  
12 information regarding the identity of the victim or source of the report. Team  
13 members and others attending meetings shall sign a confidentiality statement  
14 that is consistent with statutory prohibitions on disclosure of this information.

15 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,  
16 develop a local protocol consistent with the model protocol issued by the  
17 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local  
18 team shall submit the protocol to the commission for review and approval.

19 (h) The multidisciplinary team review of a case may include information from  
20 reports generated by agencies, organizations, or individuals that are  
21 responsible for investigation, prosecution, or treatment in the case, KRS  
22 610.320 to KRS 610.340 notwithstanding.

23 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local  
24 children's advocacy center.

25 (9) Nothing in this section shall limit the cabinet's investigatory authority under KRS  
26 620.050 or any other obligation imposed by law.

27 ➔Section 4. KRS 620.048 is amended to read as follows:

- 1 (1) During a child protective services investigation conducted pursuant to the authority  
2 in this chapter where there is a safety plan negotiated and agreed upon between  
3 the cabinet and the parent, guardian, person in a position of authority or special  
4 trust, as defined in KRS 532.045, or other person having custodial control or  
5 supervision of the child or responsibility for his or her welfare that the child  
6 cannot safely remain in the home [a child is placed outside of his or her home on a  
7 safety plan], the cabinet shall file a petition in court within seventy-two (72) hours  
8 if the child remains placed outside of his or her home for more than fourteen (14)  
9 consecutive days.
- 10 (2) All safety plans implemented pursuant to this section shall be compiled by the  
11 cabinet on a quarterly basis into a report containing at a minimum the total number  
12 of safety plans, the outcome of the safety plans, and the number of court petitions  
13 filed.
- 14 (3) By December 1, 2024, and quarterly thereafter, the cabinet shall make available, on  
15 its website and to the Legislative Research Commission for referral to the Interim  
16 Joint Committee, Senate Standing Committee, and House Standing Committee on  
17 Families and Children, the report on safety plans established in subsection (2) of  
18 this section.
- 19 ➔Section 5. KRS 605.120 is amended to read as follows:
- 20 (1) The cabinet is authorized to expend available funds to provide for the board,  
21 lodging, and care of children who would otherwise be placed in foster care or who  
22 are placed by the cabinet in a foster home or boarding home, or may arrange for  
23 payments or contributions by any local governmental unit, or public or private  
24 agency or organization, willing to make payments or contributions for such  
25 purpose. The cabinet may accept any gift, devise, or bequest made to it for its  
26 purposes.
- 27 (2) The cabinet shall establish a reimbursement system, within existing appropriation

1 amounts, for foster parents that comes as close as possible to meeting the actual  
2 cost of caring for foster children. The cabinet shall consider providing additional  
3 reimbursement for foster parents who obtain additional training, and foster parents  
4 who have served for an extended period of time. In establishing a reimbursement  
5 system, the cabinet shall, to the extent possible within existing appropriation  
6 amounts, address the additional cost associated with providing care to children with  
7 exceptional needs.

8 (3) The cabinet shall review reimbursement rates paid to foster parents and shall issue a  
9 report upon request comparing the rates paid by Kentucky to the figures presented  
10 in the Expenditures on Children by Families Annual Report prepared by the United  
11 States Department of Agriculture and the rates paid to foster parents by other states.  
12 To the extent that funding is available, reimbursement rates paid to foster parents  
13 shall be increased on an annual basis to reflect cost of living increases.

14 (4) The cabinet is encouraged to develop pilot projects both within the state system and  
15 in collaboration with private child caring agencies to test alternative delivery  
16 systems and nontraditional funding mechanisms.

17 (5) (a) The cabinet shall track and analyze data on relative and fictive kin caregiver  
18 placements. The data shall include but not be limited to:

- 19 1. Demographic data on relative and fictive kin caregivers and children in  
20 their care;
- 21 2. Custodial options selected by the relative and fictive kin caregivers;
- 22 3. Services provisioned to relative and fictive kin caregivers and children  
23 in their care; and
- 24 4. Permanency benchmarks and outcomes for relative and fictive kin  
25 caregiver placements.

26 (b) By September 30, 2020, and annually~~[upon request]~~ thereafter, the cabinet  
27 shall submit a report to the Governor, the Chief Justice of the Supreme Court,

1 and the director of the Legislative Research Commission for automatic  
2 distribution to the Interim Joint Committee on Families and Children relating  
3 to the data tracking and analysis established in this subsection and post the  
4 report to the cabinet website for public view no later than February 28 of  
5 the following year.

6 (6) Foster parents shall have the authority, unless the cabinet determines that the child's  
7 religion, race, ethnicity, or national origin prevents it, to make decisions regarding  
8 haircuts and hairstyles for foster children who are in their care for thirty (30) days  
9 or more.

10 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO  
11 READ AS FOLLOWS:

12 (1) As used in this section:

13 (a) "Behavioral assessment" means an evaluation of a child by a clinical  
14 professional, which may occur in person, remotely, or through the review of  
15 clinical records;

16 (b) "Clinical professional" means a licensed clinician employed by, or  
17 associated with, an inpatient psychiatric hospital or pediatric teaching  
18 hospital, who is qualified to make a clinical determination whether a child  
19 meets criteria for admission to an inpatient psychiatric hospital or pediatric  
20 teaching hospital for inpatient psychiatric care;

21 (c) "Department" means the Department for Behavioral Health,  
22 Developmental and Intellectual Disabilities;

23 (d) "High acuity youth" means a child who has been determined by a clinical  
24 professional, following a behavioral assessment, to need an environment  
25 and specialized treatment capable of addressing manifest aggression,  
26 violence toward persons, or property destruction;

27 (e) "Inpatient psychiatric hospital" means a hospital, other than a state mental

1           hospital, that is licensed pursuant to KRS Chapter 216B to provide inpatient  
2           psychiatric services; and

3           (f) "Pediatric teaching hospital" has the same meaning as in KRS 205.565.

4           (2) A child who is charged with a public offense or subject to a court order to receive  
5           inpatient psychiatric treatment and in the custody of the Department of Juvenile  
6           Justice or the Cabinet for Health and Family Services shall, prior to being  
7           delivered to an inpatient psychiatric hospital or pediatric teaching hospital for  
8           admission, undergo a behavioral assessment by a clinical professional to  
9           determine whether the child qualifies as a high acuity youth.

10          (3) (a) If a clinical professional determines that the child qualifies as a high acuity  
11          youth following a behavioral assessment, the clinical professional shall  
12          contact the:

13                 1. Designated representative of the department or other designated  
14                 representative of the cabinet; and

15                 2. Designated representative of the Department of Juvenile Justice;  
16                 to discuss the immediate treatment plan for the child.

17          (b) The clinical professional shall prepare an affidavit, with any documents in  
18          support of the affidavit, for submission to the department, the Department  
19          of Juvenile Justice, and the court. The affidavit shall include:

20                 1. A summary of the clinical evidence that the clinical professional relied  
21                 upon for the determination that the child qualifies as a high acuity  
22                 youth;

23                 2. A recommendation of the appropriate location for any recommended  
24                 treatment services for the high acuity youth and the basis for the  
25                 recommendation, based upon the child's needs and the capabilities of  
26                 the inpatient psychiatric hospital or pediatric teaching hospital, or  
27                 whether treatment on an outpatient basis may be provided at a

1 detention facility for a child in the custody of the Department of  
2 Juvenile Justice or at a location specified by the department if the  
3 child is in the custody of the cabinet; and

4 3. Contact information from the inpatient psychiatric hospital or  
5 pediatric teaching hospital for one (1) or more clinical professionals  
6 who can provide the types of services for the high acuity youth at a  
7 detention facility or location designated by the department if it is  
8 determined in the best interest of the child that the child should  
9 receive psychiatric services other than inpatient treatment services.

10 (4) (a) If the representative of the department and the representative of the  
11 Department of Juvenile Justice agree with the recommendations of the  
12 clinical professional, a conference affidavit establishing an initial treatment  
13 plan shall be submitted to the court on a form provided by the  
14 Administrative Office of the Courts within twenty-four (24) hours of the  
15 delivery of the initial affidavit under subsection (3) of this section.

16 (b) If the representative of the department, and the representative of the  
17 Department of Juvenile Justice do not agree to the treatment  
18 recommendations of the clinical professional, either party or both parties  
19 shall submit an affidavit of dissent to the court on a form provided by the  
20 Administrative Office of the Courts that states the clinical basis for the  
21 objection, and may include a recommendation for an alternate plan, facility,  
22 or assessment. The dissenting affidavit shall be signed by a physician who  
23 can speak directly to the clinical basis for submitting the dissenting  
24 affidavit.

25 (5) Following submission of a conference affidavit or an affidavit of dissent, the  
26 court shall enter an order regarding the course of treatment or may schedule a  
27 hearing to determine a treatment plan for the high acuity youth.

1 (6) Notwithstanding any other law to the contrary, the court shall not order a high  
2 acuity youth for inpatient treatment within an inpatient psychiatric hospital or  
3 pediatric teaching hospital without agreement of the hospital, the department,  
4 and the Department of Juvenile Justice unless the court determines by clear and  
5 convincing evidence that the inpatient psychiatric hospital or pediatric teaching  
6 hospital has the resources and capabilities to treat the high acuity youth in a  
7 manner that does not pose a danger to the high acuity youth or the hospital's  
8 patients and staff. Nothing in this subsection shall be construed to require an  
9 inpatient psychiatric hospital or pediatric teaching hospital to admit a child if  
10 doing so would be in violation of federal law.

11 (7) (a) If the treatment plan approved or ordered by the court involves the  
12 admission of a high acuity youth to an inpatient psychiatric hospital or  
13 pediatric teaching hospital, then the provision of inpatient services by the  
14 inpatient psychiatric hospital or pediatric teaching hospital shall be  
15 reimbursed by the Department of Medicaid Services at no less than two  
16 hundred percent (200%) of the then current inpatient psychiatric hospital's  
17 or pediatric teaching hospital's Medicaid inpatient rate to account for the  
18 acuity and intensity of health care items and services necessary for  
19 treatment of high acuity youth, the provisions of KRS 202A.271  
20 notwithstanding.

21 (b) For any admission under this subsection, the inpatient psychiatric hospital  
22 or pediatric teaching hospital shall provide:

- 23 1. An updated treatment plan in addition to the initial treatment plan, if  
24 needed, within ten (10) days from the filing of the initial affidavit; and
- 25 2. Status reports to the department or the Department of Juvenile  
26 Justice, as applicable, upon request or as ordered by the court.

27 (c) Any dispute that arises between the inpatient psychiatric hospital or

1           pediatric teaching hospital, the department, and the Department of Juvenile  
2           Justice shall be resolved in the manner provided in subsections (3), (4), and  
3           (5) of this section, and any party may request court review at any time  
4           during the period of treatment.

5   (8) If a high acuity youth is admitted to an inpatient psychiatric hospital or pediatric  
6   teaching hospital for treatment pursuant to a court order issued under this  
7   section, and the high acuity youth commits an act of violence or incites violence  
8   against any of the hospital's patients, staff, or visitors, the inpatient psychiatric  
9   hospital or pediatric teaching hospital may file an affidavit with the department  
10   or other designated representative of the cabinet, or the Department of Juvenile  
11   Justice, as applicable, and with the court, and the youth shall be:

12   (a) Charged criminally;

13   (b) Discharged from the hospital; and

14   (c) Immediately returned to the youth's last place of custody or residence unless  
15   another location is ordered by the court.

16   (9) If the treatment plan approved or ordered by the court involves the provision of  
17   outpatient psychiatric services to the high acuity youth at the location of a  
18   detention facility, then the department or the Department of Juvenile Justice may  
19   contract with an inpatient psychiatric hospital or pediatric teaching hospital to  
20   provide the outpatient psychiatric services. The inpatient psychiatric hospital or  
21   pediatric teaching hospital shall be reimbursed by the Department for Medicaid  
22   Services for such outpatient psychiatric services at no less than one hundred fifty  
23   percent (150%) of the then current inpatient psychiatric hospital's or pediatric  
24   teaching hospital's Medicaid reimbursement rate as if such services had been  
25   performed in an inpatient setting, the provisions of KRS 202A.271  
26   notwithstanding.

27   (10) Each inpatient psychiatric hospital or pediatric teaching hospital that accepts any

1 high acuity youth under this section, the cabinet, the department, the Department  
2 of Juvenile Justice, and the Court of Justice shall adopt and provide a protocol  
3 for twenty-four (24) hour access to comply with the requirements of this section.

4 (11) When a high acuity youth has received residential treatment and the treatment  
5 has improved the youth's condition to a status that the need for continued  
6 treatment at that facility is no longer medically indicated as determined by the  
7 treating physician:

8 (a) If the youth has a need for the continuum of care on an inpatient basis in  
9 an inpatient psychiatric hospital, pediatric teaching hospital, or other  
10 inpatient facility equipped to treat a high acuity youth, the Department for  
11 Juvenile Justice, the department, and a representative of the inpatient  
12 psychiatric hospital, pediatric teaching hospital, or other inpatient facility to  
13 which the youth may be transferred shall proceed in accordance with  
14 subsections (3), (4), and (5) of this section;

15 (b) Any additional medical care that the youth may need as part of a continuum  
16 of care that requires a transfer to another facility for treatment shall also  
17 proceed in accordance with subsections (3), (4), and (5) of this section; and

18 (c) As part of the continuum of care, the same representatives from the  
19 department and the Department of Juvenile Justice who have evaluated and  
20 provided treatment and recommendations for the youth shall, to the extent  
21 possible, continue to review the medical treatment of the youth to provide  
22 stability of care with the goal of improving the life and health of the youth.

23 (12) In the event a high acuity youth is delivered to an inpatient psychiatric hospital or  
24 pediatric teaching hospital for a behavioral assessment without referral by the  
25 department, the cabinet, or the Department of Juvenile Justice, the clinical  
26 professional may present the affidavit referenced in subsection (3) of this section  
27 to a law enforcement officer, a court designated worker, or a detention alternative

1 coordinator who shall then return the youth to the custody of the custodial  
 2 agency until such time as a court issues further orders regarding the appropriate  
 3 treatment for the high acuity youth. The inpatient psychiatric hospital or  
 4 pediatric teaching hospital shall then proceed according to subsections (3), (4),  
 5 and (5) of this section.

6 ➔Section 7. KRS 15A.305 is amended to read as follows:

7 (1) (a) The Department of Juvenile Justice shall ~~develop and~~ administer a  
 8 statewide ~~detention~~ program that shall include both preadjudication and  
 9 postadjudication facilities for the detention and treatment of children. The  
 10 department shall determine the appropriate physical security for each  
 11 facility.

12 (b) The facilities shall include:

13 1. Facilities for detention;

14 2. Youth development centers;

15 3. Group homes;

16 4. Alternatives to detention centers; and

17 5. An acute mental health facility licensed under KRS Chapter 216B  
 18 which shall be a residential treatment facility;

19 as those terms are defined in Section 1 of this Act.

20 (c) The department shall provide alternatives to detention for children charged  
 21 with ~~and, as each regional facility is constructed and ready for occupancy,~~  
 22 ~~shall provide for:~~

23 ~~(a) The operation of preadjudication detention facilities for children charged with~~  
 24 ~~public offenses; and~~

25 ~~(b) The operation of postadjudication detention facilities for children adjudicated~~  
 26 ~~delinquent or found guilty of] public offenses~~ as provided in subsection (2) of  
 27 this section.

- 1 (2) In each region in which the department currently~~[Department of Juvenile Justice]~~  
2 operates or contracts for the operation of a detention facility, or operates or  
3 contracts for the operation of a detention facility in the future, the department  
4 shall develop and administer a program for alternatives to secure detention that  
5 shall provide for:
- 6 (a) The operation of or contracting for the operation of preadjudication  
7 alternatives to secure detention and follow-up programs for juveniles who are  
8 before the court or who enter pretrial diversion or informal adjustment  
9 programs; and
- 10 (b) The operation of or contracting for the operation of postadjudication  
11 alternatives to secure detention and follow-up programs, including but not  
12 limited to community-based programs, mentoring, counseling, and other  
13 programs designed to limit the unnecessary use of secure detention and ensure  
14 public safety.
- 15 (3) The department shall operate a regional model of juvenile detention facilities  
16 which shall safely segregate violent offenders as defined in KRS 439.3401 from  
17 nonviolent offenders.
- 18 (4) The department may reassign where a particular child shall be housed based on  
19 safety or security concerns, staffing needs, and classification.
- 20 (5) The department shall develop and implement a system to immediately notify the  
21 Cabinet for Health and Family Services when a status offender or child alleged to  
22 be a status offender has been detained for the alleged violation of a valid court  
23 order.
- 24 (6)~~(4)~~ The department shall~~[may]~~, except as provided in KRS 635.060, charge  
25 counties, charter county governments, unified local governments, consolidated  
26 local governments, and urban-county governments a per diem rate set by  
27 administrative regulation promulgated in accordance with KRS Chapter 13A~~[not~~

1       to exceed ninety four dollars (\$94)} for lodging juveniles in state-owned or  
2       contracted facilities.

3       ~~(7)~~~~(5)~~ Detention rates charged by contracting detention facilities shall not exceed the  
4       rate in effect on July 1, 1997, subject to increases approved by the department.

5       ~~(8)~~~~(6)~~ No juvenile detention facility, as defined in KRS 15A.200, shall be taken  
6       over, purchased, or leased by the Commonwealth without prior approval of the  
7       fiscal court **or legislative body of the county** upon consultation with the jailer in the  
8       county where the facility is located. The county, upon consultation with the jailer,  
9       may enter into contracts with the Commonwealth for the holding, detention, and  
10      transportation of juveniles.

11     ~~(9)~~~~(7)~~ **(a)** The ~~department~~~~[Department of Juvenile Justice]~~ shall enter into  
12      sufficient contracts to ensure the availability of institutional treatment for  
13      children with severe emotional disturbance or mental illness as soon as  
14      practicable.

15      **(b) The department may contract with one (1) or more inpatient psychiatric**  
16      **hospitals, pediatric teaching hospitals, or other behavioral health providers**  
17      **to provide outpatient behavioral health services to children in need of those**  
18      **services while in a detention facility.**

19     ~~(10)~~~~(8)~~ The ~~department~~~~[Department of Juvenile Justice]~~ shall, for any facility  
20      operated pursuant to subsection (1) of this section, require that the facility:

21      (a) Provide children in crisis who are residing in a juvenile~~[detention]~~ facility  
22      access to a mental health professional whose communications with the child  
23      are privileged under the Kentucky Rules of Evidence;

24      (b) Conduct monthly documented training related to emergency response;

25      (c) Ensure that appropriate staff working with **a child in a secure juvenile**  
26      **detention facility or a residential treatment facility**~~[detained youth]~~ have  
27      controlled access to, and are properly trained in the use of, appropriate

1 defensive equipment comparable to that utilized by the Department of  
2 Corrections, including tasers, pepper spray, and shields;

3 (d) Establish a specially trained emergency response team within each juvenile  
4 detention center and youth development center which shall be trained in  
5 tactics related to emergency response~~[detention facilities]~~ and engage in  
6 monthly drills as part of emergency response training;

7 (e) Enter into a memorandum of understanding with local law enforcement for  
8 emergency response and include these agencies in emergency response  
9 trainings;

10 (f) Be equipped with an alarm that directly communicates an emergency situation  
11 to the local dispatch center; and

12 (g) Promulgate administrative regulations in accordance with KRS Chapter 13A  
13 to implement this subsection.

14 ➔Section 8. KRS 610.265 is amended to read as follows:

15 (1) (a) Any child who is alleged to be a status offender or who is accused of being in  
16 contempt of court on an underlying finding that the child is a status offender  
17 may be detained in~~[a nonsecure facility or]~~ a secure juvenile detention facility  
18 or in another facility approved by the Department of Juvenile Justice for a  
19 period of time not to exceed twenty-four (24) hours, exclusive of weekends  
20 and holidays, pending a detention hearing.

21 (b) Any child who is accused of committing a public offense or of being in  
22 contempt of court on an underlying public offense may be detained in a secure  
23 juvenile detention facility or another facility~~[a nonsecure setting]~~ approved  
24 by the Department of Juvenile Justice for a period of time not to exceed forty-  
25 eight (48) hours, exclusive of weekends and holidays, pending a detention  
26 hearing.

27 (2) ~~[Beginning July 1, 2024,]~~ Any child accused of committing a public offense that

1 would be considered *an offense that would classify the child as a violent offender*  
2 *under KRS 439.3401*~~[a violent felony offense as defined in KRS 532.200]~~ shall be  
3 detained in a secure juvenile detention facility for a period of time not to exceed  
4 forty-eight (48) hours, exclusive of weekends and holidays, pending a detention  
5 hearing, unless the detention hearing can be held within the time allotted to peace  
6 officers to retain custody of the child pursuant to KRS 610.200 or 610.220. This  
7 subsection shall not apply to any child ten (10) years of age or younger.

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

15 (b) Any treatment recommended under this subsection shall be provided by the  
16 Department of Juvenile Justice and may be provided pursuant to a contract  
17 between the Justice and Public Safety Cabinet and a behavioral health  
18 services organization.

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

23 (4) Any child detained pursuant to subsection (2) of this section shall be permitted  
24 visitation from individuals representing organizations including nonprofit  
25 organizations, faith-based organizations, or community organizations, to connect  
26 them with, expose them to, or minister to them through programs including but not  
27 limited to trades, arts, sports, mentoring, counseling, support programs, or

1 community-based programs. These organizations may offer transition services to  
2 any child who is released from detention.

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

- 9 (6) If the court orders a child detained further, that detention shall be served as follows:
- 10 (a) If the child is charged with a capital offense, Class A felony, or Class B  
11 felony, detention shall occur in a secure juvenile detention facility pending the  
12 child's next court appearance subject to the court's review of the detention  
13 order prior to that court appearance;
- 14 (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status  
15 offender, the child may be detained in a secure juvenile detention facility for a  
16 period not to exceed twenty-four (24) hours after which detention shall occur  
17 in *an alternative to detention center*~~[a nonsecure setting]~~ approved by the  
18 Department of Juvenile Justice pending the child's next court appearance  
19 subject to the court's review of the detention order prior to the next court  
20 appearance;
- 21 (c) If a status offender or a child alleged to be a status offender is charged with  
22 violating a valid court order, the child may be detained in a secure juvenile  
23 detention facility, or in *another facility*~~[a nonsecure setting]~~ approved by the  
24 Department of Juvenile Justice, for a period not to exceed forty-eight (48)  
25 hours, exclusive of weekends and holidays, pending the child's next court  
26 appearance;
- 27 (d) Prior to ordering a status offender or alleged status offender who is subject to

1 a valid court order securely detained because the child violated the valid court  
2 order, the court shall:

- 3 1. Affirm that the requirements for a valid court order were met at the time  
4 the original order was issued;
- 5 2. Make a determination during the adjudicatory hearing that the child  
6 violated the valid court order; and
- 7 3. Within forty-eight (48) hours after the adjudicatory hearing on the  
8 violation of a valid court order by the child, exclusive of weekends and  
9 holidays, receive and review a written report prepared by an appropriate  
10 public agency that reviews the behavior of the child and the  
11 circumstances under which the child was brought before the court,  
12 determines the reasons for the child's behavior, and determines whether  
13 all dispositions other than secure detention have been exhausted or are  
14 inappropriate. If a prior written report is included in the child's file, that  
15 report shall not be used to satisfy this requirement. The child may be  
16 securely detained for a period not to exceed forty-eight (48) hours,  
17 exclusive of weekends and holidays, pending receipt and review of the  
18 report by the court. The hearing shall be conducted in accordance with  
19 KRS 610.060. The findings required by this ~~paragraph~~<sup>subsection</sup>  
20 shall be included in any order issued by the court which results in the  
21 ~~secure or nonsecure~~ detention of a status offender; and

- 22 (e) If the child is charged with a public offense, or contempt on a public offense,  
23 and the county in which the case is before the court is served by a state  
24 operated secure detention facility under the statewide detention plan, the child  
25 shall be referred to the Department of Juvenile Justice for a security  
26 assessment and placement in an approved detention facility or program  
27 pending the child's next court appearance.

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

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

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

10 ➔Section 9. KRS 610.340 is amended to read as follows:

11 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,  
12 all juvenile~~[-court]~~ records of any nature generated pursuant to KRS Chapters  
13 600 to 645 by any agency or instrumentality, public or private, shall be  
14 deemed to be confidential and shall not be disclosed except to the child,  
15 parent, victims, or other persons authorized to attend a juvenile court hearing  
16 pursuant to KRS 610.070 unless ordered by the court for good cause.

17 (b) Juvenile~~[-court]~~ records which contain information pertaining to arrests,  
18 petitions, adjudications, and dispositions of a child may be disclosed to  
19 victims or other persons authorized to attend a juvenile court hearing pursuant  
20 to KRS 610.070.

21 (c) Release of the child's treatment, medical, mental, or psychological records is  
22 prohibited unless presented as evidence in Circuit Court. Any records  
23 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-  
24 B of the Federal Social Security Act shall not be disclosed to victims or other  
25 persons authorized to attend a juvenile court hearing pursuant to KRS  
26 610.070.

27 (d) Victim access under this subsection to juvenile court records shall include

1 access to records of adjudications that occurred prior to July 15, 1998.

2 (2) The provisions of this section shall not apply to public officers or employees  
3 engaged in the investigation of and in the prosecution of cases under KRS Chapters  
4 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained  
5 pursuant to this subsection shall be used for official use only, shall not be disclosed  
6 publicly, and shall be exempt from disclosure under the Open Records Act, KRS  
7 61.870 to 61.884.

8 (3) The provisions of this section shall not apply to any peace officer, as defined in  
9 KRS 446.010, who is engaged in the investigation or prosecution of cases under  
10 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any  
11 record obtained pursuant to this subsection shall be used for official use only, shall  
12 not be disclosed publicly, and shall be exempt from disclosure under the Open  
13 Records Act, KRS 61.870 to 61.884.

14 (4) The provisions of this section shall not apply to employees of the Department of  
15 Juvenile Justice or cabinet or its designees responsible for any services under KRS  
16 Chapters 600 to 645, or to attorneys for parties involved in actions relating to KRS  
17 Chapters 600 to 645, or other prosecutions authorized by the Kentucky Revised  
18 Statutes. **Any records obtained by an individual designated in this subsection may**  
19 **be used by the individual in the course and scope of his or her employment or**  
20 **representation but shall not be disclosed to any third party without a court order.**

21 (5) The provisions of this section shall not apply to records disclosed pursuant to KRS  
22 610.320 or to public or private elementary and secondary school administrative,  
23 transportation, and counseling personnel, to any teacher or school employee with  
24 whom the student may come in contact, or to persons entitled to have juvenile  
25 records under KRS 610.345, if the possession and use of the records is in  
26 compliance with the provisions of KRS 610.345 and this section.

27 (6) The provisions of this section shall not apply to employees of local law

1 enforcement agencies, the Department of Kentucky State Police, or the Federal  
2 Bureau of Investigation engaged in conducting background checks for the sole  
3 purpose of identifying and providing potentially disqualifying juvenile public  
4 offense records to the National Instant Criminal Background Check System  
5 pursuant to Div. A, Title II, Sec. 12001(a) of the Bipartisan Safer Communities Act,  
6 Pub. L. No. 117-159. Notwithstanding KRS 635.040, an adjudication for a public  
7 offense is a conviction of a crime for purposes of 18 U.S.C. sec. 922(d)(1), (3), or  
8 (9). Any public offense record obtained pursuant to this subsection shall be used for  
9 official use only, not be disclosed publicly, and be exempt from disclosure under  
10 the Open Records Act, KRS 61.870 to 61.884.

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

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

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

21 (8) No person, including school personnel, shall disclose any confidential record or any  
22 information contained in the confidential record~~[therein]~~ except as permitted by  
23 this section or other specific section of KRS Chapters 600 to 645, or except as  
24 permitted by specific order of the court.

25 (9) No person, including school personnel, authorized to obtain records pursuant to  
26 KRS Chapters 600 to 645 shall obtain or attempt to obtain confidential records to  
27 which he or she is not entitled or for purposes for which he or she is not permitted

- 1 to obtain them pursuant to KRS Chapters 600 to 645.
- 2 (10) No person, including school personnel, not authorized to obtain records pursuant to  
3 KRS Chapters 600 to 645 shall obtain or attempt to obtain records which are made  
4 confidential pursuant to KRS Chapters 600 to 645 except upon proper motion to a  
5 court of competent jurisdiction.
- 6 (11) No person shall destroy or attempt to destroy any record required to be kept  
7 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to  
8 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and  
9 good cause for the destruction being shown.
- 10 (12) As used in this section the term "KRS Chapters 600 to 645" includes any  
11 administrative regulations which are lawfully promulgated **in accordance with KRS**  
12 **Chapter 13A and** pursuant to KRS Chapters 600 to 645.
- 13 (13) Nothing in this section shall be construed to prohibit a crime victim from speaking  
14 publicly after the adjudication about his or her case on matters within his or her  
15 knowledge or on matters disclosed to the victim during any aspect of a juvenile  
16 court proceeding.
- 17 **(14) Notwithstanding any other provision of law to the contrary, the Department of**  
18 **Juvenile Justice may publicly release information regarding a child if the child**  
19 **absconds or escapes from a Department of Juvenile Justice facility or placement**  
20 **to assist in securing the safe return of the child. Information released by the**  
21 **Department of Juvenile Justice may include:**
- 22 **(a) The child's:**
- 23 **1. Name and home county of residence;**
- 24 **2. Physical description; and**
- 25 **3. Photograph;**
- 26 **(b) The name of the facility from which they absconded or escaped; and**
- 27 **(c) A statement that the public should exercise caution and should notify law**

1 enforcement immediately if the child is seen.

2 (15) Notwithstanding any other provision of law to the contrary, when any person,  
 3 including any juvenile, who is the subject of information designated as  
 4 confidential in this section publicly reveals or causes to be revealed any  
 5 significant part of the confidential matter or information by filing a civil suit, the  
 6 confidentiality shall be presumed voluntarily waived, and the Department of  
 7 Juvenile Justice or the cabinet may, in the defense of the litigation, disclose  
 8 confidential information and records about the person making or causing the  
 9 public disclosure, including information that has not been previously disclosed  
 10 provided the disclosure is:

11 (a) Directly related to the confidential matter or information made public;

12 (b) Not in violation of federal law; and

13 (c) Not disclosed for the purpose of disparaging the character of a juvenile.

14 ➔Section 10. KRS 645.280 is amended to read as follows:

15 (1) No child held under the provisions of this chapter shall be held in a secure juvenile  
 16 detention facility unless a status offense action or public offense action is also  
 17 pending~~]. No peace officer or any other person shall bring a status offense action or~~  
 18 ~~a public offense action against a child who is mentally ill and in need of~~  
 19 ~~hospitalization pursuant to this chapter solely or primarily for the purpose of~~  
 20 ~~avoiding transporting the child to a hospital, mental health facility, or other less~~  
 21 ~~restrictive alternative].~~

22 (2) If, after evaluation, the qualified mental health professional finds that the child does  
 23 not meet the criteria for involuntary hospitalization and the peace officer has reason  
 24 to believe that the child has committed a status offense or public offense, the peace  
 25 officer may proceed in accordance with KRS 610.190 to 610.290.

26 ➔Section 11. KRS 15A.0652 is amended to read as follows:

27 The Department of Juvenile Justice shall promulgate administrative regulations that shall

1 include:

- 2 (1) Development or adoption of a validated risk and needs assessment that:
- 3 (a) Considers factors such as the severity of the current offense, the child's  
4 previous public offense record, and the child's assessed criminal risk factors;
- 5 (b) Is administered for all children adjudicated on a public offense prior to  
6 disposition and at regular intervals thereafter to determine risk levels and to  
7 identify intervention needs; and
- 8 (c) Is implemented based on policies and practices for utilization of the  
9 assessment instrument to objectively guide placement and the length and type  
10 of treatment for each child committed to the department or probated to the  
11 department or other entity;
- 12 (2) The provision of treatment for committed and probated children in accordance with  
13 evidence-based practices, including, at a minimum:
- 14 (a) Development of a case plan for each child committed to the department or  
15 probated to the department that targets the risk factors identified in the  
16 assessment, is responsive to individual characteristics, involves the family as  
17 appropriate, provides supervision or monitoring of children according to their  
18 case plan, and establishes a treatment plan in accordance with subsection (3)  
19 of this section; and
- 20 (b) Development and implementation of a graduated sanctions protocol of swift,  
21 certain, proportionate, and graduated sanctions that a probation officer or  
22 employee of the department shall apply in response to a child's violations of  
23 the terms or conditions of probation. The graduated sanctions protocol shall:
- 24 1. Include a continuum of sanctions that take into account factors such as  
25 the severity of the current violation, the child's previous criminal record,  
26 the number and severity of any previous probation violations, the child's  
27 assessed risk level, and the extent to which graduated sanctions were

- 1 imposed for previous violations. The system shall also define positive  
2 reinforcements that the probated child may receive for compliance with  
3 his or her terms or conditions of probation. A sanction of up to thirty  
4 (30) days' out-of-home placement may be imposed for a violation of the  
5 terms of probation. A child shall not be committed or recommitted to the  
6 Department of Juvenile Justice for the violation of the conditions of  
7 probation;
- 8 2. Provide that judicial review for a probated youth, or an administrative  
9 hearing for a committed youth, shall not be necessary to impose  
10 graduated sanctions less than out-of-home placement; and
- 11 3. Require that less-restrictive graduated sanctions be utilized prior to  
12 requesting judicial review unless there is clear and convincing evidence  
13 that there are no graduated sanctions available that are appropriate for  
14 the child and the child is an immediate threat to himself, herself, or  
15 others;
- 16 (3) Development and implementation of treatment plans for committed and probated  
17 children that:
- 18 (a) Take into consideration the severity of the current offense and the child's  
19 assessed risk and needs as identified by a validated risk and needs assessment;
- 20 (b) Involve the family in the treatment plan as appropriate;
- 21 (c) Allow a child to complete treatment in the community if resources are  
22 available rather than in a ~~secure or nonsecure~~ facility; and
- 23 (d) For committed children may include:
- 24 1. A maximum of four (4) months of out-of-home placement if the child  
25 was adjudicated for an offense that would be a misdemeanor if  
26 committed by an adult, other than a violation of KRS Chapter 510 or an  
27 offense involving a deadly weapon;

- 1           2. A maximum of eight (8) months of out-of-home placement if the child  
2           was adjudicated for an offense that would be a Class D felony if  
3           committed by an adult, other than a violation of KRS Chapter 510 or an  
4           offense involving a deadly weapon; and
- 5           3. A provision that if a child has reached the maximum time allowed in  
6           out-of-home placement, as specified in subparagraphs 1. and 2. of this  
7           paragraph and further out-of-home placement is determined to be  
8           necessary for completion of treatment, the child may be held for an  
9           additional period only upon approval of the Administrative Transfer  
10          Request Committee, or another appropriate entity within the department  
11          as designated by the commissioner of the department after review of the  
12          facts and circumstances warranting the need for continued out-of-home  
13          placement. If the commissioner approves continued out-of-home  
14          placement, the maximum time the placement may be continued is the  
15          maximum originally allowed under subparagraphs 1. and 2. of this  
16          paragraph and the total period of commitment shall not exceed that  
17          permitted under KRS 635.060;
- 18 (4) Development and implementation of professional development programs for  
19          department staff who interact with or who are responsible for the treatment,  
20          supervision, or placement of children, that includes training on juvenile justice  
21          research relating to effectiveness of juvenile justice interventions, impacts of out-  
22          of-home placement, alternatives to incarceration, use of graduated sanctions, case  
23          planning, administration of a validated risk and needs assessment, and training to  
24          address specific issues such as domestic violence, trauma, and family engagement;
- 25 (5) Development of procedures for measuring the outcomes of each treatment and  
26          intervention program and practice to demonstrate that the program or practice has a  
27          documented evidence base and has been evaluated for effectiveness in reducing

1 recidivism for the children it serves, including:

2 (a) A process for reviewing the objective criteria for evidence-based programs  
3 and practices established by the agency providing the program;

4 (b) A process for auditing the effectiveness of the programs; and

5 (c) An opportunity for programs that do not meet the criteria based on the audit  
6 results to develop and implement a corrective action plan within one hundred  
7 eighty (180) days of the audit;

8 (6) Development of procedures to track juvenile recidivism, which shall include  
9 adjudication of a new public offense or conviction of a crime within three (3) years  
10 of release from an out-of-home placement or release from commitment, and  
11 collaboration with the Department of Corrections and the Administrative Office of  
12 the Courts to obtain adult conviction and incarceration information to enable  
13 collection of recidivism data;

14 (7) Development of procedures to track the pre-adjudication and post-adjudication  
15 admissions beginning no later than August 1, 2014; and

16 (8) Development of procedures to ensure maximum utilization of available federal  
17 funding resources which may be available to the agency.

18 As used in this section, "evidence-based practices," "graduated sanction," "out-of-home  
19 placement," and "risk and needs assessment" have the same meanings as in KRS 600.020.

20 ➔Section 12. KRS 15A.200 is amended to read as follows:

21 As used in KRS 15A.210 to 15A.240 and KRS 15A.990:

22 (1) "Certified juvenile facility staff" means individuals who meet the qualifications of,  
23 and who have completed a course of education and training developed and  
24 approved by, the Department of Juvenile Justice;

25 (2) "Secure juvenile detention facility" means any facility used for the secure detention  
26 of children other than a jail, police station, lockup, or any building which is a part  
27 of or attached to any facility in which adult prisoners are confined or which shares

1 staff with a facility in which adult prisoners are confined;

2 (3) "Youth alternative center" means a ~~nonsecure~~ facility, **operated by a local**  
 3 **government and** approved by the Department of Juvenile Justice, for the ~~nonsecure~~  
 4 ~~detention of juveniles,~~ **both prior to adjudication and after**  
 5 **adjudication, which meets the criteria specified in Section 13 of this Act**; and

6 (4) The term "facility" or "facilities" as used in KRS 15A.210 to 15A.240 shall mean  
 7 the facilities defined in this section.

8 ➔Section 13. KRS 15A.320 is amended to read as follows:

9 (1) Any county **government**, urban-county **government, consolidated local**  
 10 **government, unified local government**, or charter county **government** may apply to  
 11 the Department of Juvenile Justice to construct, operate, or contract for the  
 12 operation of a youth alternative center.

13 (2) The youth alternative center ~~shall be a nonsecure facility and~~ shall be under the  
 14 jurisdiction of that governing body, subject to the provisions of this chapter.

15 (3) The youth alternative center shall be used only for the detention of juveniles. The  
 16 youth alternative center shall not be part of a county jail or other facility that houses  
 17 adult offenders.

18 (4) The youth alternative center may be used as a place of detention for juveniles by  
 19 order of a court prior to adjudication and after adjudication regardless of whether  
 20 the child is a status offender, public offender, or youthful offender.

21 ➔Section 14. KRS 508.025 is amended to read as follows:

22 (1) A person is guilty of assault in the third degree when the actor:

23 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally  
 24 causes or attempts to cause physical injury to:

25 1. A state, county, city, or federal peace officer;

26 2. An employee of a detention facility~~;~~ or state residential treatment  
 27 facility ~~or state staff secure facility for residential treatment~~ which

- 1 provides for the care, treatment, or detention of a juvenile charged with  
2 or adjudicated delinquent because of a public offense or as a youthful  
3 offender;
- 4 3. A healthcare provider as defined in KRS 311.821 or other person  
5 employed by or under contract with a health clinic, doctor's office,  
6 dental office, long-term care facility, hospital, or a hospital-owned or  
7 affiliate outpatient facility, if the event occurs in or on the premises of a  
8 health clinic, doctor's office, dental office, long-term care facility,  
9 hospital, or a hospital-owned or affiliate outpatient facility;
- 10 4. An employee of the Department for Community Based Services  
11 employed as a social worker to provide direct client services, if the  
12 event occurs while the worker is performing job-related duties;
- 13 5. Paid or volunteer emergency medical services personnel certified or  
14 licensed pursuant to KRS Chapter 311A, if the event occurs while  
15 personnel are performing job-related duties;
- 16 6. A paid or volunteer member of an organized fire department, if the  
17 event occurs while the member is performing job-related duties;
- 18 7. Paid or volunteer rescue squad personnel affiliated with the Division of  
19 Emergency Management of the Department of Military Affairs or a  
20 local disaster and emergency services organization pursuant to KRS  
21 Chapter 39F, if the event occurs while personnel are performing job-  
22 related duties;
- 23 8. A probation and parole officer;
- 24 9. A transportation officer appointed by a county fiscal court or legislative  
25 body of a consolidated local government, urban-county government, or  
26 charter government to transport inmates when the county jail or county  
27 correctional facility is closed while the transportation officer is

- 1 performing job-related duties;
- 2 10. A public or private elementary or secondary school or school district
- 3 classified or certified employee, school bus driver, or other school
- 4 employee acting in the course and scope of the employee's employment;
- 5 or
- 6 11. A public or private elementary or secondary school or school district
- 7 volunteer acting in the course and scope of that person's volunteer
- 8 service for the school or school district;
- 9 (b) Being a person confined in a detention facility, or a juvenile in a state
- 10 residential treatment facility, ~~or a state staff secure facility for residential~~
- 11 ~~treatment~~ which provides for the care, treatment, or detention of a juvenile
- 12 charged with or adjudicated delinquent because of a public offense or as a
- 13 youthful offender, inflicts physical injury upon or throws or causes feces, or
- 14 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 15 (c) Intentionally causes a person, whom the actor knows or reasonably should
- 16 know to be a peace officer discharging official duties, to come into contact
- 17 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the
- 18 consent of the peace officer.
- 19 (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree
- 20 is a Class D felony, unless the offense occurs during a declared emergency as
- 21 defined by KRS 39A.020 arising from a natural or man-made disaster, within
- 22 the area covered by the emergency declaration, and within the area impacted
- 23 by the disaster, in which case it is a Class C felony.
- 24 (b) For a violation of subsection (1)(b) of this section, assault in the third degree
- 25 is a Class D felony.
- 26 (c) For violations of subsection (1)(c) of this section, assault in the third degree is
- 27 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,

1 seminal fluid, urine, or feces from an adult who knows that he or she has a  
2 serious communicable disease and competent medical or epidemiological  
3 evidence demonstrates that the specific type of contact caused by the actor is  
4 likely to cause transmission of the disease or condition, in which case it is a  
5 Class A misdemeanor.

6 (d) As used in paragraph (c) of this subsection, "serious communicable disease"  
7 means a non-airborne disease that is transmitted from person to person and  
8 determined to have significant, long-term consequences on the physical health  
9 or life activities of the person infected.

10 ➔Section 15. KRS 610.012 is amended to read as follows:

11 (1) The District Court or the family division of the Circuit Court shall have exclusive  
12 jurisdiction of proceedings under this section.

13 (2) Proceedings to temporarily detain a child suspected of being a runaway by means of  
14 an emergency protective custody order, pending further appropriate court action,  
15 shall be initiated by filing a complaint with the court-designated worker.

16 (3) Notwithstanding any other provision of law to the contrary, a child who is  
17 suspected of being a runaway may be detained in *an alternative to detention*  
18 *center*~~[a nonsecure facility]~~ for a period of time not to exceed seventy-two (72)  
19 hours, exclusive of weekends and holidays, or, if the court makes a finding on the  
20 record that no less restrictive alternative is available, in a secure juvenile detention  
21 facility for a period of time not to exceed twenty-four (24) hours, exclusive of  
22 weekends and holidays, pursuant to an ex parte emergency protective order pending  
23 a court hearing to determine whether to return the child to his or her custodian or  
24 give custody of the child to the cabinet.

25 (4) If, at the hearing held as provided for in subsection (3) of this section, the child is  
26 not released, the court shall issue an emergency custody order pursuant to KRS  
27 Chapter 620 and place the child with the cabinet and the cabinet shall file a

1 dependency, neglect, or abuse action.

2 (5) All hearings subsequent to the issuance of an emergency custody order shall be in  
3 accordance with KRS Chapter 620.

4 (6) If the child is released, except to the cabinet pursuant to an emergency custody  
5 order, the court-designated worker shall initiate a status offense case.

6 (7) The provisions of this section shall not apply to a child coming under the purview  
7 of KRS Chapter 615.

8 ➔Section 16. KRS 610.200 is amended to read as follows:

9 (1) When a peace officer has taken or received a child into custody on a charge of  
10 committing an offense, the officer shall immediately inform the child of his or her  
11 constitutional rights and afford the child~~him~~ the protections required thereunder,  
12 notify the parent, or if the child is committed, the Department of Juvenile Justice or  
13 the cabinet, as appropriate, and if the parent is not available, then a relative,  
14 guardian, or person exercising custodial control or supervision of the child, that the  
15 child has been taken into custody, give an account of specific charges against the  
16 child, including the specific statute alleged to have been violated, and the reasons  
17 for taking the child into custody.

18 (2) (a) When a peace officer has taken or received a child into protective custody on  
19 suspicion of being a runaway, the officer shall immediately notify:

- 20 1. The child's parent, guardian, or person exercising custodial control or  
21 supervision of the child, if determined;
- 22 2. The cabinet or Department of Juvenile Justice, if appropriate; and
- 23 3. The court-designated worker.

24 (b) If the parent, guardian, or other person exercising custodial control or  
25 supervision is identified and notified, the peace officer may retain custody of  
26 the child for a reasonable period to allow the person notified the opportunity  
27 to arrive at the officer's location and collect the child.

- 1 (c) If the parent, guardian, or other person exercising custodial control or  
2 supervision cannot be identified or located, the peace officer may retain  
3 custody of the child for a period of time not to exceed two (2) hours to  
4 continue his or her investigation.
- 5 (d) If, at the conclusion of the peace officer's investigation, the parent, guardian,  
6 or person exercising custodial control or supervision of the child is identified  
7 and notified, the peace officer shall return the child to the custody of that  
8 person and shall file a status offense case with the court-designated worker.
- 9 (e) If, at the conclusion of the peace officer's investigation, the parent, guardian,  
10 or person exercising custodial control or supervision of the child cannot be  
11 identified or located, or that person refuses to collect the child, the peace  
12 officer shall file a complaint pursuant to KRS 610.012.
- 13 (3) Unless the child is subject to trial as an adult or unless the nature of the offense or  
14 other circumstances are such as to indicate the necessity of retaining the child in  
15 custody, the officer shall release the child to the custody of his or her parent or if  
16 the child is committed, the Department of Juvenile Justice or the cabinet, as  
17 appropriate; or if the parent is not available, then a relative, guardian, or person  
18 exercising custodial control or supervision or other responsible person or agency  
19 approved by the court upon the written promise, signed by such person or agency,  
20 to bring the child to the court at a stated time or at such time as the court may order.  
21 The written promise, accompanied by a written report by the officer, shall be  
22 submitted forthwith to the court or court-designated worker and shall detail the  
23 reasons for having taken custody of the child, the release of the child, the person to  
24 whom the child was released, and the reasons for the release.
- 25 (4) (a) If the person fails to produce the child as agreed, or upon notice from the  
26 Court as provided in subsection (3) of this section, a summons, warrant, or  
27 custody order may be issued for the apprehension of the person or of the

1 child, or both.

2 (b) If the person notified to collect a suspected runaway pursuant to subsection  
3 (2)(a) of this section fails or refuses to collect the child, the peace officer shall  
4 notify the county attorney, who may file a charge of endangering the welfare  
5 of a minor, and the cabinet.

6 (5) The release of a child pursuant to this section shall not preclude a peace officer  
7 from proceeding with a complaint against a child or any other person.

8 (6) Unless the child is subject to trial as an adult, if the child is not released, the peace  
9 officer shall contact the court-designated worker who may:

10 (a) Release the child to his or her parents;

11 (b) Release the child to such other persons or organizations as are authorized by  
12 law;

13 (c) Release the child to either of the above subject to stated conditions; or

14 (d) Except as provided in subsection (7) of this section, authorize the peace  
15 officer to retain custody of the child for an additional period not to exceed  
16 twelve (12) hours during which the peace officer may transport the child to a  
17 secure juvenile detention facility or another~~[a nonsecure]~~ facility. If the child  
18 is retained in custody, the court-designated worker shall give notice to the  
19 child's parents or person exercising custodial control or supervision of the fact  
20 that the child is being retained in custody.

21 (7) (a) Except as provided in paragraph (b) of this subsection, no child ten (10) years  
22 of age or under shall be taken to or placed in a juvenile detention facility.

23 (b) Any child ten (10) years of age or under who has been charged with the  
24 commission of a capital offense or with an offense designated as a Class A or  
25 Class B felony may be taken to or placed in a secure juvenile detention  
26 facility or youth alternative center when there is no available less restrictive  
27 alternative.

1        ➔Section 17. KRS 610.220 is amended to read as follows:

- 2        (1) Except as otherwise provided by statute, if an officer takes or receives a child into  
3        custody on an allegation of committing a public offense or into protective custody  
4        on being a suspected runaway, the child may be held at a police station, secure  
5        juvenile detention facility, youth alternative center, another~~[a nonsecure]~~ facility,  
6        or, as necessary, in a hospital or clinic for the following purposes:
- 7        (a) Identification and booking;
  - 8        (b) Attempting to notify the parents or person exercising custodial control or  
9        supervision of the child, a relative, guardian, other responsible person, or the  
10       cabinet;
  - 11       (c) Photographing;
  - 12       (d) Fingerprinting;
  - 13       (e) Physical examinations, including examinations for evidence;
  - 14       (f) Evidence collection, including scientific tests;
  - 15       (g) Records checks;
  - 16       (h) Determining whether the child is subject to trial as an adult; and
  - 17       (i) Other inquiries of a preliminary nature.
- 18       (2) A child may be held in custody pursuant to this section for a period of time not to  
19       exceed two (2) hours, unless an extension of time is granted. Permission for an  
20       extension of time may be granted by the court, trial commissioner, or court-  
21       designated worker pursuant to KRS 610.200(6)(d) and the child may be retained in  
22       custody for up to an additional ten (10) hours at a facility of the type listed in  
23       subsection (1) of this section except for an intermittent holding facility for the  
24       period of retention.
- 25       (3) Any child held in custody pursuant to this section shall be sight and sound separated  
26       from any adult prisoners held in secure custody at the same location, and shall not  
27       be handcuffed to or otherwise securely attached to any stationary object.

1           ➔Section 18. KRS 620.095 is amended to read as follows:

2     A nonoffender, as defined in KRS 600.020, shall not be placed in ~~secure or nonsecure~~  
3     detention.

4           ➔Section 19. KRS 630.040 is amended to read as follows:

5     Any person taking a child into custody, with all reasonable speed, shall in this sequence:

- 6     (1) Deliver the child suffering from a physical condition or illness which requires  
7         prompt medical treatment to a medical facility or physician. Children suspected of  
8         having a mental or emotional illness shall be evaluated in accordance with ~~the~~  
9         ~~provisions of~~ KRS Chapter 645 **or as provided under Section 6 of this Act;**
- 10    (2) Contact a court designated worker who shall have the responsibility for determining  
11         appropriate placement pursuant to KRS 610.200(5);
- 12    (3) If the court designated worker determines that the placements designated in KRS  
13         610.200(5) and subsection (1) of this section have been exhausted or are not  
14         appropriate, a child may be delivered to a secure juvenile detention facility, a  
15         juvenile holding facility, or **another facility**~~a nonsecure setting~~ approved by the  
16         Department of Juvenile Justice pending the detention hearing;
- 17    (4) When the child has not been released to his **or her** parents or person exercising  
18         custodial control or supervision, the person taking the child into custody shall make  
19         a reasonable effort promptly to give oral notice to the parent or person exercising  
20         custodial control or supervision of the child;
- 21    (5) In all instances the peace officer taking a child into custody shall provide a written  
22         statement to the court designated worker of the reasons for taking the child into  
23         custody;
- 24    (6) If the child is placed in an emergency shelter or medical facility, during the  
25         adjudication and disposition of his **or her** case, the court may order **the child's**~~his~~  
26         parents to be responsible for the expense of **the child's**~~his~~ care; and
- 27    (7) The peace officer taking the child into custody shall within three (3) hours of taking

1 a child into custody file a complaint with the court, stating the basis for taking the  
 2 child into custody and the reason why the child was not released to the parent or  
 3 other adult exercising custodial control or supervision of the child, relative or other  
 4 responsible adult, a court designated agency, an emergency shelter or medical  
 5 facility. Pending further disposition of the case, the court or the court designated  
 6 worker may release the child to the custody of any responsible adult who can  
 7 provide adequate care and supervision.

8 ➔Section 20. KRS 630.080 is amended to read as follows:

- 9 (1) In order for the court to detain a child after the detention hearing, the  
 10 Commonwealth shall establish probable cause at the detention hearing that the child  
 11 is a status offender and that further detention of the child is necessary for the  
 12 protection of the child or the community. If the Commonwealth fails to establish  
 13 probable cause that the child is a status offender, the complaint shall be dismissed  
 14 and the child shall be released. If the Commonwealth establishes probable cause  
 15 that the child is a status offender, but that further detention of the child is not  
 16 necessary for the protection of the child or the community, the child shall be  
 17 released to the parent or person exercising custodial control or supervision of the  
 18 child. If grounds are established that the child is a status offender, and that further  
 19 detention is necessary, the child may be placed in *an alternative to detention*  
 20 *center*~~[a nonsecure setting]~~ approved by the Department of Juvenile Justice;
- 21 (2) A status offender may be securely detained if the cabinet has initiated or intends to  
 22 initiate transfer of the youth by competent document under~~[the provisions of]~~ the  
 23 interstate compact pursuant to KRS Chapter 615;
- 24 (3) The appropriate public agency shall:
- 25 (a) Within twenty-four (24) hours, exclusive of weekends and holidays, of  
 26 receiving notification, as provided in KRS 15A.305~~[(3)]~~, that a status offender  
 27 or alleged status offender has been detained on the allegation that the child

- 1 has violated a valid court order, meet with and interview the child; and
- 2 (b) Within forty-eight (48) hours, exclusive of weekend and holidays, of the  
3 detention hearing required under KRS 610.265, prepare and deliver to the  
4 court the completed written report required by subsection (4) of this section  
5 and KRS 610.265 if the child remains in detention after the detention hearing,  
6 and prior to the disposition hearing if the child has not been detained; and
- 7 (4) A status offender or alleged status offender who is subject to a valid court order  
8 may be securely detained upon a finding that the child violated the valid court order  
9 if the court does the following prior to ordering that detention:
- 10 (a) Affirms that the requirements for a valid court order were met at the time the  
11 original order was issued;
- 12 (b) Makes a determination during the adjudicatory hearing that the child violated  
13 the valid court order; and
- 14 (c) Within forty-eight (48) hours after the adjudicatory hearing on the violation of  
15 a valid court order by the child, exclusive of weekends and holidays, the court  
16 receives and reviews a written report prepared by an appropriate public  
17 agency that reviews the behavior of the child and the circumstances under  
18 which the child was brought before the court, determines the reasons for the  
19 child's behavior, and determines whether all dispositions other than secure  
20 detention have been exhausted or are inappropriate. If a prior written report is  
21 included in the child's file, that report shall not be used to satisfy this  
22 requirement. The child may be securely detained for a period not to exceed  
23 forty-eight (48) hours, exclusive of weekends and holidays, pending receipt  
24 and review of the report by the court. The hearing shall be conducted in  
25 accordance with the provisions of KRS 610.060. The findings required by this  
26 subsection shall be included in any order issued by the court which results in  
27 the ~~secure or nonsecure~~ detention of a status offender.

1 →Section 21. KRS 630.160 is amended to read as follows:

2 (1) Any~~[Notwithstanding any provision of KRS Chapter 520 to the contrary, no]~~ child

3 who:

4 (a) 1. Is accused of being a status offender~~;~~~~[or who]~~

5 2. Has been adjudicated as a status offender~~;~~ or

6 3. ~~[who]~~Has been accused of or held in contempt of court based upon an  
7 underlying finding that the child is a status offender; and

8 (b) [who]Is absent without leave from a facility operated by the Department of  
9 Juvenile Justice;

10 may be charged with escape under KRS Chapter 520.

11 (2) Notwithstanding any provision of KRS Chapter 520 to the contrary, a child who

12 is absent without leave from~~[nonsecure detention option or]~~ home detention, or  
13 who fails to report or comply with the conditions of supervised placement, shall not  
14 be charged with escape~~[ for being absent without leave or failing to comply with the~~  
15 ~~conditions of supervised placement].~~

16 →Section 22. KRS 635.055 is amended to read as follows:

17 No child who is found to be in contempt of court shall be committed as a public offender  
18 as a result of such finding, nor detained because of such finding in a facility other than a  
19 secure juvenile detention facility, youth alternative center, an alternative to detention  
20 program approved by the Department of Juvenile Justice, or in another placement  
21 approved by the Department of Justice~~[a nonsecure detention alternative]~~. An order of  
22 detention for a child found in contempt shall not exceed thirty (30) days.

23 →Section 23. KRS 645.020 is amended to read as follows:

24 The definitions in KRS Chapter 600 shall apply to this chapter. In addition, unless the  
25 context requires otherwise:

26 (1) "Convalescent leave" means an authorized release not to exceed ninety (90) days of  
27 a child admitted to a hospital under this chapter;

- 1 (2) "Danger to self or others" means that it is shown by substantial proof that in the  
2 near future the child may attempt suicide or may cause substantial physical harm or  
3 threat of substantial physical harm to self or others, as evidenced by recent threats  
4 or overt acts, including acts by which the child deprives self or others of the basic  
5 means of survival, including reasonable shelter, food or clothing. In determining  
6 whether a child presents a danger to self, factors to be considered shall include, but  
7 shall not be limited to, an established pattern of past dangerous behavior;
- 8 (3) "Hospital" means a licensed private or public institution, health care facility, or part  
9 thereof, approved by the cabinet to treat children who are mentally ill;
- 10 (4) "Least restrictive alternative" means the treatment and conditions of treatment for a  
11 child which, separately and in combination:
- 12 (a) Are no more harsh, hazardous or intrusive than necessary to achieve  
13 acceptable treatment objectives for the child; and
  - 14 (b) Involve no inpatient care restrictions on physical movement except as  
15 reasonably necessary for the administration of treatment or for the protection  
16 of the child or others from physical injury.
- 17 In determining the least restrictive alternative, factors to be considered shall  
18 include, but not be limited to, the likelihood, based on the child's prior outpatient  
19 treatment, that the child will benefit from outpatient treatment;
- 20 (5) "Mental health facility" means a residential or nonresidential service providing  
21 children psychological or psychiatric treatment for emotional, mental, or behavioral  
22 problems;
- 23 (6) "Mental health group home" means a ~~community-based~~ facility established to  
24 serve not less than four (4) nor more than eight (8) mentally ill children with a  
25 treatment program developed and supervised by a qualified mental health  
26 professional. Mental health group homes shall not be adjacent to or part of a  
27 residential treatment facility or a hospital;

- 1 (7) "Mental health professional" means:
- 2 (a) A physician licensed under the laws of Kentucky to practice medicine or
- 3 osteopathy, or a medical officer of the government of the United States while
- 4 engaged in conducting mental health services;
- 5 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or
- 6 osteopathy, or a medical officer of the government of the United States
- 7 engaged in conducting mental health services;
- 8 (c) A psychologist, a psychological practitioner, a certified psychologist, or a
- 9 psychological associate, licensed under the provisions of KRS Chapter 319;
- 10 (d) A registered nurse licensed under the provisions of KRS Chapter 314 engaged
- 11 in providing mental health services;
- 12 (e) A licensed clinical social worker licensed under the provisions of KRS
- 13 335.100, or a certified social worker licensed under the provisions of KRS
- 14 335.080 engaged in providing mental health services;
- 15 (f) A marriage and family therapist licensed under the provisions of KRS
- 16 335.300 to 335.399 engaged in providing mental health services;
- 17 (g) A professional counselor credentialed under the provisions of KRS Chapter
- 18 335.500 to 335.599 engaged in providing mental health services;
- 19 (h) An art therapist certified under KRS 309.130 engaged in providing mental
- 20 health services; or
- 21 (i) A pastoral counselor licensed under the provisions of KRS 335.600 to
- 22 335.699 engaged in providing mental health services; and
- 23 (8) "Mentally ill child" means that considering the child's age and development, the
- 24 child has a substantially impaired capacity to use self-control, judgment or
- 25 discretion in the conduct of the child's affairs and social relations, the child's
- 26 behavior is maladaptive or the child exhibits recognized emotional symptoms which
- 27 can be related to physiological, psychological or social factors.

1        ➔Section 24. KRS 645.210 is amended to read as follows:

2        (1) After a notice of contest has been received, the hospital may continue the  
3        hospitalization on an involuntary basis until a hearing has been held and the court  
4        orders otherwise. In no case may the child be held more than fifteen (15) days  
5        beyond the filing of the notice of contest, unless a certification hearing has been  
6        held within seven (7) days of the filing of the notice of contest.

7        (2) A hearing to determine the necessity for continued hospitalization shall be held  
8        within seven (7) days of the court's receipt of the notice of the contest. If the court  
9        concludes that the child does not meet the criteria set out in KRS 645.090, the court  
10       may order the child discharged or may enter an emergency custody order for  
11       purposes of proceeding under other provisions of KRS Chapter 600 to 645 to secure  
12       proper care for the child. The cabinet may place the child in a ~~clinical~~ treatment  
13       facility, mental health group home, or mental health care program.

14       ➔Section 25. The Justice and Public Safety Cabinet shall construct a high acuity  
15       mental health facility to provide residential treatment for children in the custody of the  
16       Department of Juvenile Justice. The facility shall provide beds for a minimum of 16  
17       children and shall be designed in a manner that shall allow for additions to the facility to  
18       increase bed capacity as needed. The Justice and Public Safety Cabinet shall work with  
19       the Cabinet for Health and Family Services to ensure compliance with all health facility  
20       requirements, both federal and state. The provisions of this section, and the provisions of  
21       subsection (1)(b)5. of Section 7 of this Act, are subject to funding in the executive branch  
22       budget.

23       ➔Section 26. The Cabinet for Health and Family Services shall provide or enter  
24       into contracts or a memorandum of understanding with a public teaching university in  
25       this state to provide clinical services to the high acuity health facility operated by the  
26       Justice and Public Safety Cabinet through the Department of Justice.

27       ➔Section 27. The Justice and Public Safety Cabinet shall continue to implement

1 the plan to transition back to the regional model of juvenile detention facilities while  
2 continuing to safely segregate males and females and violent and nonviolent offenders.

3       ➔Section 28. The Finance and Administration Cabinet shall report to the  
4 Legislative Research Commission no later than July 1, 2025, for referral to the Interim  
5 Joint Committee on Judiciary and the Interim Joint Committee on Families and Children  
6 the status of the transfer of property deed of the Jefferson County Youth Detention Center  
7 to the Commonwealth of Kentucky. If the transfer of the property has not been completed  
8 by the required reporting date, the report shall contain the expected date of completion of  
9 the transfer.