

1 AN ACT relating to status offenses.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) A pilot program shall be established in no less than ten (10) public school
6 districts selected by the Chief Justice of the Supreme Court to participate in a
7 Supporting Opportunities for Accountability and Restoration Program, also
8 known as the SOAR Program. The SOAR Program shall include at least one (1)
9 school from each participating school district and shall begin August 1, 2026,
10 and continue for four (4) years unless extended or limited by the General
11 Assembly.

12 (2) The Administrative Office of the Courts shall create and maintain a SOAR
13 Program in each selected school to:

14 (a) Identify and address barriers to school attendance among students in grades
15 six (6) through twelve (12); and

16 (b) Address barriers to successful completion of status offense diversions if a
17 referral has been made to the RISE team as provided in subsection (6)(b) or
18 (c) of this section.

19 (3) All students in grades six (6) through twelve (12) of a school participating in the
20 SOAR Program who have been absent without excuse for more than five (5) days
21 during a school term, along with a parent, guardian, or other person exercising
22 custodial control or supervision, shall participate in the SOAR Program.

23 (4) Each selected school shall establish a Responsive Interventions to Support and
24 Empower team, also known as the RISE team, whose members shall include:

25 (a) The director of pupil personnel;

26 (b) A family resource and youth services center representative of the school;

27 (c) The school's social worker or school counselor;

- 1 (d) A school resource officer;
- 2 (e) A local representative of the Department for Community Based Services;
- 3 (f) One (1) or more additional members, at least one (1) of whom shall be a
- 4 representative of the:
- 5 1. Community mental health center;
- 6 2. Regional interagency council specified in KRS 200.509(1)(a) to (d)
- 7 and (g);
- 8 3. Corresponding local interagency council if a council exists; or
- 9 4. An additional school-based mental health services provider as defined
- 10 in KRS 158.4416; and
- 11 (g) The court-designated worker in the participating school district's judicial
- 12 district or circuit.
- 13 (5) The court-designated worker shall:
- 14 (a) Convene and facilitate the RISE team for each selected school district; and
- 15 (b) Provide case management support to the family of a participating student.
- 16 (6) Each RISE team shall adopt a case management approach and process for
- 17 reviewing:
- 18 (a) Families subject to a truancy intervention precomplaint;
- 19 (b) Referrals from the court-designated worker in cases in which a student has:
- 20 1. Failed to appear for a preliminary intake;
- 21 2. Declined to enter into a diversion agreement; or
- 22 3. Failed to complete the terms of a diversion agreement; and
- 23 (c) Status offense cases if the court-designated worker, after review of the
- 24 complaint, has determined that no further action is necessary.
- 25 (7) The RISE team shall meet with the student and the student's parent, guardian, or
- 26 other person exercising custodial control or supervision to develop a family-
- 27 specific improvement plan to address the barriers to school attendance or, if

1 referred pursuant to subsection (6)(b) of this section, address the barriers to
2 successful completion of a diversion agreement. The RISE team shall also
3 identify resources to address the identified barriers and issues and assist in
4 connecting the families to those resources.

5 (8) The RISE team shall be a part of Kentucky's juvenile justice system under
6 Section 8 of this Act and shall, subject to restrictions imposed by state or federal
7 law, disclose and share with other identified agencies all information they
8 maintain on a student in accordance with Section 8 of this Act.

9 (9) Each participating school district shall provide attendance information necessary
10 for the SOAR Program.

11 (10) The Administrative Office of the Courts shall submit an annual report to the
12 Legislative Research Commission for referral to the Interim Joint Committee on
13 Judiciary and the Interim Joint Committee on Education beginning July 1, 2027,
14 and by July 1 of each following year, that includes:

15 (a) The number of students referred to the SOAR Program;

16 (b) The services to which the family was referred;

17 (c) The number of students who completed the SOAR Program;

18 (d) The number of students who did not successfully complete the SOAR
19 Program that resulted in a habitual truancy complaint and the reasons for
20 the unsuccessful completion; and

21 (e) Recommendations for improvement of the SOAR Program.

22 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 610 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) Upon receipt of a completed truancy intervention precomplaint form required
25 under subsection (2) of Section 3 of this Act, the court-designated worker shall:

26 (a) Provide notice to the student and the student's parent, guardian, or other
27 person exercising custodial control or supervision that they shall attend an

1 initial meeting with the court-designated worker to discuss barriers to
2 school attendance or other identified issues;

3 (b) At the initial meeting, the court-designated worker shall:

4 1. Perform a family needs assessment to identify barriers to school
5 attendance or, if referred pursuant to subsection (6)(b) of Section 1 of
6 this Act, to address the barriers to successful completion of a diversion
7 agreement, and to identify services to address these barriers and any
8 other identified issues;

9 2. Provide the results of the family needs assessment to the student and
10 the student's parent, guardian, or other person exercising custodial
11 control or supervision; and

12 3. Provide the student and the student's parent, guardian, or other
13 person exercising custodial control or supervision with notice to attend
14 a mandatory meeting with the RISE team, together with the date, time,
15 and either the physical location of the meeting if conducted in person,
16 or the meeting access information, if conducted virtually;

17 (c) Provide the RISE team with the results of the family needs assessment no
18 later than forty-eight (48) hours following the initial meeting;

19 (d) 1. Convene and facilitate the RISE team to review and enhance the
20 family-specific improvement plan to address barriers to school
21 attendance, or barriers to completion of a diversion agreement if
22 referred pursuant to subsection (6)(b) of Section 1 of this Act for each
23 identified family; and

24 2. Before the conclusion of the RISE team meeting, provide each
25 identified family and each identified school with a written family-
26 specific improvement plan;

27 (e) If applicable, review a family-specific improvement plan or a diversion

1 agreement to incorporate modifications to a family-specific improvement
2 plan or diversion agreement; and

3 (f) Provide case management services to assist the family in achieving the goals
4 of the family-specific improvement plan.

5 (2) (a) Upon the accrual of fifteen (15) unexcused absences by a student who is
6 participating in the SOAR Program, the court-designated worker shall
7 notify the county attorney and shall provide the county attorney with a
8 report on the efforts and results of the SOAR Program's work with the
9 student and the parent, guardian, or other person exercising custodial
10 control or supervision of the student.

11 (b) 1. The county attorney shall, upon review of the report, determine if
12 court intervention is appropriate against the student.

13 2. If the county attorney determines that court intervention is appropriate
14 against the student, he or she shall notify the director of pupil
15 personnel to immediately file a habitual truancy complaint.

16 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 159 IS CREATED TO
17 READ AS FOLLOWS:

18 In addition to the duties assigned under Section 4 of this Act, the director of pupil
19 personnel, or an assistant appointed under KRS 159.080 shall:

20 (1) Upon a student in grades six (6) through twelve (12) becoming a truant as
21 defined in KRS 159.150(1), provide written notice to the student and the student's
22 parent, guardian, or other person exercising custodial control or supervision of
23 the following:

24 (a) The number of the student's unexcused absences;

25 (b) An explanation of the attendance policy, including policies for required
26 documentation for excused absences;

27 (c) Available resources and tools intended to prevent further unexcused

1 absences; and

2 (d) Contact information with office hours for the parent, guardian, or other
3 person exercising custodial control or supervision to contact the director of
4 pupil personnel, or an assistant appointed under KRS 159.080, to discuss
5 barriers to attendance and potential solutions to overcome those barriers;

6 (2) Upon a student in grades six (6) through twelve (12) being absent without excuse
7 five (5) days during a school year, provide notice to the court-designated worker
8 using a truancy intervention precomplaint form of the following:

9 (a) The number and dates of the student's unexcused absences;

10 (b) A copy of the written notice provided to the student and the student's parent,
11 guardian, or other person exercising custodial control or supervision
12 required in subsection (1) of this section;

13 (c) Contact information for the parent, guardian, or other person exercising
14 custodial control or supervision; and

15 (d) A description of the interventions and support services offered to the student
16 and the student's parent, guardian, or other person exercising custodial
17 control or supervision; and

18 (3) Participate in the SOAR Program established in Section 1 of this Act if available
19 at the school.

20 ➔Section 4. KRS 159.140 is amended to read as follows:

21 (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:
22 (a) Devote his or her entire time to the duties of the office except as provided in
23 subsection (2) of this section;
24 (b) Enforce the compulsory attendance and census laws in the attendance district
25 he or she serves;
26 (c) Acquaint the school with the home conditions of a habitual truant as
27 defined~~[described]~~ in KRS 159.150(3), and the home with the work and

- 1 advantages of the school;
- 2 (d) Ascertain the causes of irregular attendance and truancy, through documented
- 3 contact with the custodian of the student, and seek the elimination of these
- 4 causes, **which shall include performing the duties required in Section 3 of**
- 5 **this Act in those schools within the district that are participating in the**
- 6 **SOAR Program under Section 1 of this Act;**
- 7 (e) Secure the enrollment in school of all students who should be enrolled and
- 8 keep all enrolled students in reasonably regular attendance;
- 9 (f) Attempt to visit the homes of students who are reported to be in need of
- 10 books, clothing, or parental care;
- 11 (g) Provide for the interviewing of students and the parents of those students who
- 12 quit school to determine the reasons for the decision. The interviews shall be
- 13 conducted in a location that is nonthreatening for the students and parents and
- 14 according to procedures and interview questions established by an
- 15 administrative regulation promulgated **in accordance with KRS Chapter 13A**
- 16 by the Kentucky Board of Education. The questions shall be designed to
- 17 provide data that can be used for local district and statewide research and
- 18 decision-making. Data shall be reported annually to the local board of
- 19 education and the Department of Education;
- 20 (h) Report to the superintendent of schools in the district in which the student
- 21 resides the number and cost of books and school supplies needed by any
- 22 student whose parent, guardian, or custodian does not have sufficient income
- 23 to furnish the student with the necessary books and school supplies; and
- 24 (i) Keep the records and make the reports that are required by law, by
- 25 **administrative** regulation of the Kentucky Board of Education, and by the
- 26 superintendent and board of education.
- 27 (2) A local school district superintendent may waive the requirement that a director of

1 pupil personnel devote his or her entire time to his or her duties. The superintendent
2 shall report the decision to the commissioner of education.

3 (3) In any action brought to enforce compulsory attendance laws, the director of pupil
4 personnel or an assistant shall document the home conditions of the student and the
5 intervention strategies attempted and:

6 (a) For a minor in kindergarten to grade five (5) whose parent or guardian is in
7 violation of the provisions of KRS 159.010(1)(a) by allowing the child to be
8 absent without excuse for fifteen (15) or more days during a school year, shall
9 report the matter to the county attorney for determination of appropriate court
10 intervention, if any; and

11 (b) For a minor in grade six (6) through twelve (12) who is a habitual truant as
12 defined in KRS 159.150(3)~~[600.020]~~ and has been absent without excuse for
13 fifteen (15) or more days during a school year, shall report the matter to the
14 county attorney for a determination of appropriate court intervention and, if a
15 complaint is filed with the court-designated worker, proceed under KRS
16 610.030~~(7)~~~~(6)~~.

17 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
18 READ AS FOLLOWS:

19 **(1) As used in this section:**

20 **(a) "Complaint" has the same meaning as in Section 9 of this Act;**

21 **(b) "Court-designated worker" has the same meaning as in Section 9 of this**
22 **Act; and**

23 **(c) "Habitual truant" has the same meaning as in KRS 159.150(3).**

24 **(2) The purpose of this section is to require the collection and reporting of data that**
25 **will aid in the understanding of the impact that various interventions have on the**
26 **attendance of students who are habitually truant.**

27 **(3) Beginning in the 2027-2028 school year, each school district shall document the**

1 following information in the state student information system:

2 (a) The filing of a complaint for habitual truancy by the school district with the
3 court-designated worker;

4 (b) The resolution of the habitual truancy complaint filed with the court-
5 designated worker, including the date of the resolution and whether the
6 complaint was:

7 1. Not pursued;

8 2. Successfully diverted;

9 3. Forwarded to the county attorney for court action; or

10 4. Resolved in some other manner;

11 (c) The reporting of a student to the county attorney as required by subsection
12 (3)(b) of Section 4 of this Act; and

13 (d) When a habitual truancy petition is filed with the court.

14 (4) By December 1, 2028, and then by December 1 of each year until December 1,
15 2031, the Kentucky Department of Education shall submit to the Legislative
16 Research Commission for referral to the Interim Joint Committee on Education
17 and the Interim Joint Committee on Judiciary an annual report that includes the
18 information under this subsection for the prior school term. The information
19 shall be reported by school district, and within each school district by gender,
20 race, and grade level and contain the following:

21 (a) The number of students reported to the county attorney as required under
22 subsection (3)(b) of Section 4 of this Act;

23 (b) The number of students against whom a complaint for habitual truancy is
24 filed with the court-designated worker, and among those children:

25 1. The number of unexcused absences per student prior to the filing of
26 the complaint for habitual truancy;

27 2. The number of students placed on diversion by the court-designated

1 worker and the number of unexcused absences per student after the
2 student is placed on diversion;

3 3. The number of students who successfully complete diversion and the
4 number of unexcused absences per student after diversion is
5 completed; and

6 4. The number of students whose case is referred to court on a habitual
7 truancy complaint, and the number of unexcused absences per student
8 after the complaint is referred to court; and

9 (c) The number of students who are withdrawn from a school district to be
10 homeschooled following the report to the county attorney under subsection
11 (3)(b) of Section 4 of this Act.

12 ➔Section 6. KRS 610.030 is amended to read as follows:

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

14 (1) If any person files a complaint alleging that a child, except a child alleged to be
15 neglected, abused, dependent, or mentally ill who is subject to the jurisdiction of the
16 court, may be within the purview of KRS Chapters 600 to 645, the court-designated
17 worker shall make a preliminary determination as to whether the complaint is
18 complete. In any case where the court-designated worker finds that the complaint is
19 incomplete, the court-designated worker shall return the complaint without delay to
20 the person or agency originating the complaint or having knowledge of the facts, or
21 to the appropriate law enforcement agency having investigative jurisdiction of the
22 offense, and request additional information in order to complete the complaint. The
23 complainant shall promptly furnish the additional information requested;

24 (2) (a) Upon receipt of a complaint which appears to be complete and which alleges
25 that a child has committed a public offense, the court-designated worker shall
26 refer the complaint to the county attorney for review pursuant to KRS
27 635.010.

1 (b) If after review the county attorney elects to proceed, the court-designated
2 worker shall conduct a preliminary intake inquiry to recommend whether the
3 interests of the child or the public require that further action be taken or
4 whether, in the interest of justice, the complaint can be resolved informally
5 without the filing of a petition;

6 (3) Upon receipt of a truancy intervention precomplaint form required in subsection
7 (2) of Section 3 of this Act, the court-designated worker shall proceed in
8 accordance with Section 2 of this Act;

9 (4) Upon receipt of a complaint that appears to be complete and that alleges that the
10 child has committed a status offense, the court-designated worker shall conduct a
11 preliminary intake inquiry to determine whether the interests of the child or the
12 public require that further action be taken;

13 ~~(5)~~(4) Prior to conducting a preliminary intake inquiry, the court-designated worker
14 shall notify the child and the child's parent, guardian, or other person exercising
15 custodial control or supervision of the child in writing:

16 (a) Of their opportunity to be present at the preliminary intake inquiry;

17 (b) That they may have counsel present during the preliminary intake inquiry
18 and~~as well as~~ the formal conference~~thereafter~~;

19 (c) 1. That all information supplied by the child to a court-designated worker
20 during any process prior to the filing of the petition shall be deemed
21 confidential and shall not be subject to subpoena or to disclosure
22 without the written consent of the child.

23 2. That information may be shared between treatment providers, the court-
24 designated worker, and ~~the family accountability, intervention, and~~
25 ~~response team~~if applicable, the RISE team to enable the court-
26 designated worker to facilitate services and facilitate compliance with
27 the diversion agreement; and

1 (d) That the child has the right to deny the allegation and demand a formal court
2 hearing;

3 ~~(6)~~~~(5)~~ The preliminary intake inquiry shall include the administration of an
4 evidence-based screening tool and, if appropriate and available, a validated risk and
5 needs assessment, in order to identify whether the child and his or her family are in
6 need of services and the level of intervention needed;

7 ~~(7)~~~~(6)~~ (a) Upon the completion of the preliminary intake inquiry for a minor who
8 is alleged to be a status offender **and has been reported to the county**
9 **attorney as required under subsection (3)(b) of Section 4 of this Act**~~under~~
10 ~~KRS 630.020(3) and is alleged to have been absent without excuse for fifteen~~
11 ~~(15) or more days during a school year~~, the court-designated worker shall, **if**
12 **the county attorney elects not to refer the complaint for formal court action,**
13 **proceed**~~refer the complaint to the county attorney. The county attorney shall~~
14 ~~then refer the complaint;~~

15 1. ~~For formal court action; or~~

16 2. ~~To be handled~~ under subsection ~~(9)~~~~(8)~~ of this section.

17 (b) Upon the completion of the preliminary intake inquiry for all other
18 allegations, the court-designated worker may:

19 1. If the complaint alleges a status offense, **and is filed against a student**
20 **from a school:**

21 **a. Without a SOAR Program,** determine that no further action be
22 taken~~subject to review by the family accountability, intervention,~~
23 ~~and response team~~; **or**

24 **b. With a SOAR Program, determine that no further action be**
25 **taken subject to review by the RISE team;**

26 2. If the complaint alleges a public offense, refer the complaint to the
27 county attorney;

- 1 3. Refer a public offense complaint for informal adjustment; or
- 2 4. Based upon the results of the preliminary intake inquiry, other
- 3 information obtained, and a determination that the interests of the child
- 4 and the public would be better served, and with the written approval of
- 5 the county attorney for a public offense complaint, if necessary, conduct
- 6 a formal conference and enter into a diversion agreement;

7 ~~(8)~~~~(7)~~ Upon receiving written approval of the county attorney, if necessary, to divert
8 a public offense complaint, and prior to conducting a formal conference, the court-
9 designated worker shall advise in writing the complainant, the victim if any, and the
10 law enforcement agency having investigative jurisdiction of the offense:

- 11 (a) Of the recommendation and the reasons therefor and that the complainant,
- 12 victim, or law enforcement agency may submit within ten (10) days from
- 13 receipt of such notice a complaint to the county attorney for special review; or
- 14 (b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact
- 15 that the child was statutorily entitled to divert the case;

16 ~~(9)~~~~(8)~~ A formal conference shall include the child and his or her parent, guardian, or
17 other person exercising custodial control or supervision and may, upon agreement
18 of the court-designated worker, the child, and his or her parent, guardian, or
19 other person exercising custodial control or supervision, include other adult
20 support persons who are a significant presence in the child's life. The formal
21 conference shall be used to:

- 22 (a) Present information obtained at the preliminary intake inquiry; and
- 23 (b) Administer an evidence-based family screening tool to identify family
24 strengths, needs, and risks. Results from the family screening shall be used
25 to develop a family diversion agreement that shall not exceed twelve (12)
26 months in duration, and:

- 27 1. Shall include:

1 a. An individualized plan for the child and his or her parent,
2 guardian, or other person exercising custodial control or
3 supervision to address the needs of the child and the family;

4 b. A requirement~~[Develop a diversion agreement that shall:~~

5 ~~a. i. Require]~~ that the child regularly attend school or participate
6 in a specifically identified educational program agreed upon by
7 the child, the court-designated worker, and the parent, guardian,
8 or other person exercising custodial control or supervision that
9 includes monitoring and reporting requirements to ensure
10 compliance;

11 c. A plan for monitoring the child and family's progress and
12 completion of the agreement, and for communication between
13 the family and the court-designated worker; and

14 d. ~~iii.~~ For a child against whom a complaint alleging habitual truancy
15 has been filed under subsection (3)(b) of Section 4 of this Act, a
16 requirement that~~[require that]~~ if the child is absent from school
17 without excuse for eight (8)~~[four (4)]~~ days during one (1) school
18 term, as defined in KRS 158.070, following the establishment of
19 a family~~[during a]~~ diversion agreement, the family~~[child]~~ shall
20 immediately be considered to have failed to complete the family
21 diversion agreement and subsection (10)(b)2.~~[(9)(b)3.]~~ of this
22 section shall immediately apply; and

23 2. ~~b.~~ ~~[Not exceed twelve (12) months in duration, and]~~ May include:

24 a. ~~i.~~ Referral of the child, parent, guardian, or other person exercising
25 custodial control or supervision of the child, or~~[and]~~ the family
26 unit, if appropriate, to any or all of the following:

27 i. A public or private entity or person for the provision of

identified services to address needs identified through the family screening~~[the complaint or assessed needs];~~

ii. ~~{Referral of the child, and family if appropriate, to }~~A community service program within the limitations provided under KRS 635.080(2);

iii. School-based resources such as mental health services, family resource and youth service centers, or other available services and programs;

iv. A restorative justice program; or

v. Any other available and appropriate program or service;

b.~~iii.~~ Restitution, limited to the actual pecuniary loss suffered by the victim, if the child has the means or ability to make restitution;

c.~~iv.~~ Notification that the court-designated worker may apply graduated sanctions to the child or parent, guardian, or other person exercising custodial control or supervision for failure to comply with the family diversion agreement; and

d. Any other provisions agreed upon by the court-designated worker, the child, and the parent, guardian, or other person exercising custodial control or supervision~~[v. Any other~~

~~program or effort which reasonably benefits the community and the child; and~~

~~vi. A plan for monitoring the child's progress and completion of the agreement].~~

3.~~2.~~ Prior to developing the family diversion agreement, the court-designated worker ~~{or court-designated specialist }~~ shall contact the school district that the child attends to obtain background information from school personnel regarding family background, education records, any services

1 previously provided, and any recommended trauma informed strategies.

2 ~~4.~~^{3.} Upon developing a **family** diversion agreement, the court-designated
3 **worker**~~[specialist]~~ shall **electronically notify the director of pupil**
4 **personnel at the school district that the child attends that the child has**
5 **entered into a family diversion agreement, including the date of the**
6 **agreement**~~[make all details of the agreement accessible to all members~~
7 ~~of the family, accountability, intervention, and response team through an~~
8 ~~electronic platform provided by the Administrative Office of the~~
9 ~~Courts];~~

10 ~~(10)~~⁽⁹⁾ (a) If a child **and his or her parent, guardian, or other person exercising**
11 **custodial control or supervision** successfully completes **the family**~~[a]~~
12 diversion agreement, the underlying complaint **against the child** shall be
13 dismissed and further action related to that complaint shall be prohibited.
14 **Upon completion of the family diversion agreement, the court-designated**
15 **worker shall electronically notify the director of pupil personnel at the**
16 **school district that the child attends, including the date the agreement was**
17 **successfully completed.**

18 (b) **1.** If a child fails to appear for a preliminary intake inquiry~~[,]~~ **or** declines to
19 enter into a **family** diversion agreement~~[, or fails to complete a diversion~~
20 ~~agreement]~~, then:

21 **a.**~~[1.]~~ For a public offense complaint, the matter shall be referred to the
22 county attorney for **review and possible** formal court action; and~~[,~~
23 if a petition is filed, the child may request that the court dismiss
24 the complaint based upon his or her substantial compliance with
25 the terms of diversion;]

26 **b.**~~[2.]~~ For a status offense complaint **filed against a student from a**
27 **school:**

1 i. Without a SOAR Program,~~[except as provided for in~~
2 ~~subparagraph 3. of this paragraph,]~~ the court-designated
3 worker shall refer the matter to the county attorney~~[family~~
4 ~~accountability, intervention, and response team]~~ for review
5 and further action;

6 ii. With a SOAR Program, the court-designated worker shall
7 refer the matter to the RISE team; and

8 2.[3.]a. If a child and his or her parent, guardian, or other person
9 exercising custodial control or supervision fail to complete a
10 family diversion agreement, then the court-designated worker
11 shall review the case to determine the primary reason for the
12 failure.

13 b. If the court-designated worker determines that the primary
14 reason for the failure is lack of involvement by:

15 i. The parent, guardian, or other person exercising custodial
16 control or supervision, then the court-designated worker
17 shall refer the case to the cabinet and shall share the
18 results of the family-based screening tool with the cabinet
19 at the time of the referral. The cabinet shall conduct an
20 investigation of suspected dependency, neglect, or abuse of
21 the child as required by KRS 605.130 and notify both the
22 court-designated worker and the county attorney of its
23 planned course of action and recommendation of how to
24 proceed; or

25 ii. The child, then the case shall be referred to the county
26 attorney, and if a petition is filed, the child may request that
27 the court dismiss the complaint based upon his or her

1 substantial compliance with the terms of diversion ~~[For a~~
2 ~~status offense complaint alleging truancy for which the child~~
3 ~~failed diversion in accordance with subsection (8)(b)1.a.ii. of~~
4 ~~this section, the matter shall immediately be referred to the~~
5 ~~county attorney for formal court action.~~

6 ~~(c) If the child enters into a diversion agreement or is referred to the family~~
7 ~~accountability, intervention, and response team for truancy and there is no~~
8 ~~action implemented by the family accountability, intervention, and response~~
9 ~~team within thirty (30) days, the family accountability, intervention, and~~
10 ~~response team shall report to the court the reasons for inaction and shall~~
11 ~~provide a plan for action on the child's case. The court shall review on the~~
12 ~~record any diversion agreement and any report, without the attendance or~~
13 ~~appearance of the child, at regular intervals at the court's discretion to verify~~
14 ~~family accountability, intervention, and response team member attendance,~~
15 ~~team accountability, and performance.~~

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

20 ~~(11)~~ ~~(10)~~ If the county attorney refers a complaint for habitual truancy to the court,
21 the county attorney shall electronically notify the director of pupil personnel at
22 the school district that the child attends that the complaint has been filed,
23 including the date of the filing;

24 (12) If a complaint is referred to the court, the complaint and findings of the court-
25 designated worker's preliminary intake inquiry and any family assessment
26 conducted pursuant to subsection (9) of this section shall be submitted to the court
27 for the court to determine whether process should issue; and

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

~~(13)~~~~(12)~~ At any stage in the proceedings described in this section, the court or the county attorney may review any decision of the court-designated worker. The court upon its own motion or upon written request of the county attorney may refer any complaint for a formal hearing.

➔ Section 7. KRS 605.030 is amended to read as follows:

(1) A court-designated worker may:

- (a) Receive complaints;
- (b) Review complaints taken by peace officers;
- (c) Investigate complaints except neglect, abuse, and dependency;
- (d) Perform an initial screening for human trafficking as defined in KRS 529.010 for referral to the cabinet for investigation as a case of dependency, neglect, or abuse;
- (e) Dispose of complaints limited to a total of three (3) status or nonfelony public offense complaints per child and, with written approval of the county attorney, one (1) felony complaint that does not involve the commission of a sexual offense or the use of a deadly weapon;
- (f) Administer oaths;
- (g) Issue summonses;
- (h) Issue subpoenas;
- (i) Make advisory dispositional recommendations and provide, within forty-eight (48) hours, exclusive of weekends and holidays, information concerning a child who has chosen to waive the investigation pursuant to KRS 610.100;
- (j) Perform any~~such~~ duties ~~as~~ required by KRS Chapter 645;

- 1 (k) Administer evidence-based screenings and assessments to identify the risk
2 and needs of a child and his or her family;
- 3 (l) Enter into diversion agreements, including referral to programs or service
4 providers, providing case management and service coordination, assisting
5 with barriers to completion, and monitoring progress;
- 6 (m) Impose graduated sanctions, from least restrictive to most restrictive, in
7 response to violations of the terms of a diversion agreement;
- 8 (n) Gather information necessary to track and record outcomes of all diversion
9 agreement recommendations and final diversion disposition;
- 10 (o) Collaborate and cooperate with the ~~{family accountability, intervention, and~~
11 ~~response team,}~~ director of pupil personnel as appropriate, and service
12 providers to ensure all appropriate interventions are utilized;
- 13 (p) Report annually to his or her local public school districts and to the
14 Administrative Office of the Courts an inventory of all programs and service
15 providers within the judicial district they serve;
- 16 (q) Request from the schools a student's education records pursuant to KRS
17 17.125; ~~{and}~~
- 18 (r) **Coordinate the SOAR Program; and**
- 19 **(s)** Perform ~~{such}~~ other functions related to activities of children as may be
20 authorized or directed by the court.
- 21 (2) Upon the filing of a petition which initiates a formal court action in the interest of
22 the child, the court-designated worker's involvement, with the exception of the
23 activities defined in subsection (1)(i) of this section, shall cease.
- 24 (3) When a child is to be tried as an adult, the court-designated worker need not make
25 dispositional recommendations.
- 26 ➔Section 8. KRS 17.125 is amended to read as follows:
- 27 (1) The following agencies are parts of Kentucky's juvenile justice system and shall,

1 subject to restrictions imposed by state or federal law, disclose and share with each
2 other all information they maintain on a juvenile in a facility or program or informal
3 adjustment authorized by law:

- 4 (a) All sheriff's offices, police departments, and any other law enforcement
5 agency;
- 6 (b) All Commonwealth's attorneys and county attorneys;
- 7 (c) The Attorney General;
- 8 (d) All jails and juvenile detention facilities, public and private;
- 9 (e) All courts and clerks of courts;
- 10 (f) The Administrative Office of the Courts;
- 11 (g) All departments within the Justice and Public Safety Cabinet;
- 12 (h) All departments within the Cabinet for Health and Family Services; and
- 13 (i) All **RISE**~~[family accountability, intervention, and response]~~ teams **as defined**
14 **in Section 9 of this Act.**

15 (2) Except as provided in this section, all information shared by agencies specified
16 above shall be subject to applicable confidentiality disclosure, redisclosure, and
17 access restrictions imposed by federal or state law.

18 (3) Once a:

- 19 **(a)** Complaint is filed with a court-designated worker alleging that a child has
20 committed a status offense or public offense; ~~or,~~
21 **(b) Child participates in a SOAR Program as defined in Section 9 of this Act**
22 **offered at the child's school;**

23 all public or private elementary or secondary schools, vocational or business
24 schools, or institutions of higher education shall provide all records specifically
25 requested in writing, and pertaining to that child, to any of the agencies listed in
26 subsection (1) of this section. Pursuant to the authority granted to the
27 Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C.

1 sec. 1232g, when this section refers to the release of educational records, the
2 purpose of the release shall be limited to providing the juvenile justice system with
3 the ability to effectively serve, prior to adjudication, the needs of the student whose
4 records are sought. The authorities to which the data are released shall certify that
5 any educational records obtained pursuant to this section shall only be released to
6 persons authorized by statute and shall not be released to any other person without
7 the written consent of the parent of the child. The request, certification, and a record
8 of the release shall be maintained in the student's file.

9 (4) Any request for records, the provision of records, the sharing of records, the
10 disclosure of records, or the redisclosure of records shall be done for official
11 purposes only, on a bona fide need to know basis, and only in connection with a
12 legitimate investigation, prosecution, treatment program, or educational program.

13 (5) Information and records relating to pending litigation in Circuit Court, District
14 Court, or a federal court and information and records relating to an ongoing
15 investigation are not subject to disclosure or sharing under this section.

16 (6) Obtaining or attempting to obtain a record relating to a minor or by sharing or
17 attempting to share a record relating to a minor with an unauthorized person is a
18 violation of this section.

19 ➔Section 9. KRS 600.020 is amended to read as follows:

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

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

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

26 1. Inflicts or allows to be inflicted upon the child physical or emotional
27 injury as defined in this section by other than accidental means;

- 1 2. Creates or allows to be created a risk of physical or emotional injury as
2 defined in this section to the child by other than accidental means;
- 3 3. Engages in a pattern of conduct that renders the parent incapable of
4 caring for the immediate and ongoing needs of the child, including but
5 not limited to parental incapacity due to a substance use disorder as
6 defined in KRS 222.005;
- 7 4. Continuously or repeatedly fails or refuses to provide essential parental
8 care and protection for the child, considering the age of the child;
- 9 5. Commits or allows to be committed an act of sexual abuse, sexual
10 exploitation, or prostitution upon the child;
- 11 6. Creates or allows to be created a risk that an act of sexual abuse, sexual
12 exploitation, or prostitution will be committed upon the child;
- 13 7. Abandons or exploits the child;
- 14 8. Does not provide the child with adequate care, supervision, food,
15 clothing, shelter, and education or medical care necessary for the child's
16 well-being when financially able to do so or offered financial or other
17 means to do so. A parent or other person exercising custodial control or
18 supervision of the child legitimately practicing the person's religious
19 beliefs shall not be considered a negligent parent solely because of
20 failure to provide specified medical treatment for a child for that reason
21 alone. This exception shall not preclude a court from ordering necessary
22 medical services for a child;
- 23 9. Fails to make sufficient progress toward identified goals as set forth in
24 the court-approved case plan to allow for the safe return of the child to
25 the parent that results in the child remaining committed to the cabinet
26 and remaining in foster care for fifteen (15) cumulative months out of
27 forty-eight (48) months; or

- 1 10. Commits or allows female genital mutilation as defined in KRS 508.125
2 to be committed; or
- 3 (b) A person twenty-one (21) years of age or older commits or allows to be
4 committed an act of sexual abuse, sexual exploitation, or prostitution upon a
5 child less than sixteen (16) years of age;
- 6 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
7 675(11);
- 8 (3) "Aggravated circumstances" means the existence of one (1) or more of the
9 following conditions:
- 10 (a) The parent has not attempted or has not had contact with the child for a period
11 of not less than ninety (90) days;
- 12 (b) The parent is incarcerated and will be unavailable to care for the child for a
13 period of at least one (1) year from the date of the child's entry into foster care
14 and there is no appropriate relative placement available during this period of
15 time;
- 16 (c) The parent has sexually abused the child and has refused available treatment;
- 17 (d) The parent has been found by the cabinet to have engaged in abuse of the
18 child that required removal from the parent's home two (2) or more times in
19 the past two (2) years; or
- 20 (e) The parent has caused the child serious physical injury;
- 21 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
22 the reasonable directives of his or her parents, legal guardian, or person exercising
23 custodial control or supervision other than a state agency, which behavior results in
24 danger to the child or others, and which behavior does not constitute behavior that
25 would warrant the filing of a petition under KRS Chapter 645;
- 26 (5) "Beyond the control of the school" means any child who has been found by the
27 court to have repeatedly violated the lawful regulations for the government of the

1 school as provided in KRS 158.150, and as documented in writing by the school as
2 a part of the school's petition or as an attachment to the school's petition. The
3 petition or attachment shall describe the student's behavior and all intervention
4 strategies attempted by the school;

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

9 (7) "Cabinet" means the Cabinet for Health and Family Services;

10 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
11 and who have completed a course of education and training in juvenile detention
12 developed and approved by, the Department of Juvenile Justice after consultation
13 with other appropriate state agencies;

14 (9) "Child" means any person who has not reached his or her eighteenth birthday,
15 unless otherwise provided;

16 (10) "Child-caring facility" means any facility or group home other than a state facility,
17 Department of Juvenile Justice contract facility or group home, or one certified by
18 an appropriate agency as operated primarily for educational or medical purposes,
19 providing residential care on a twenty-four (24) hour basis to children not related by
20 blood, adoption, or marriage to the person maintaining the facility;

21 (11) "Child-placing agency" means any agency, other than a state agency, which
22 supervises the placement of children in foster family homes or child-caring
23 facilities or which places children for adoption;

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

- 1 (13) "Commitment" means an order of the court which places a child under the custodial
2 control or supervision of the cabinet~~[- for Health and Family Services]~~, Department
3 of Juvenile Justice, or another facility or agency until the child attains the age of
4 eighteen (18) unless otherwise provided by law;
- 5 (14) "Community-based facility" means any nonsecure, homelike facility licensed,
6 operated, or permitted to operate by the Department of Juvenile Justice or the
7 cabinet, which is located within a reasonable proximity of the child's family and
8 home community, which affords the child the opportunity, if a Kentucky resident,
9 to continue family and community contact;
- 10 (15) "Complaint" means a verified statement setting forth allegations in regard to the
11 child which contain sufficient facts for the formulation of a subsequent petition;
- 12 (16) "Court" means the juvenile session of District Court unless a statute specifies the
13 adult session of District Court or the Circuit Court;
- 14 (17) "Court-designated worker" means that organization or individual delegated by the
15 Administrative Office of the Courts for the purposes of placing children in
16 alternative placements prior to arraignment, conducting preliminary investigations,
17 and formulating, entering into, and supervising diversion agreements and
18 performing such other functions as authorized by law or court order;
- 19 (18) "Deadly weapon" has the same meaning as ~~it does~~ in KRS 500.080;
- 20 (19) "Department" means the Department for Community Based Services;
- 21 (20) "Dependent child" means any child, other than an abused or neglected child, who is
22 under improper care, custody, control, or guardianship that is not due to an
23 intentional act of the parent, guardian, or person exercising custodial control or
24 supervision of the child;
- 25 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of
26 conduct subject to the jurisdiction of the court who requires a restricted or closely
27 supervised environment for his or her own or the community's protection;

- 1 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within
2 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
3 period of detention prior to adjudication;
- 4 (23) "Diversion agreement" means a mechanism designed to hold a child accountable
5 for his or her behavior and, if appropriate, securing services to serve the best
6 interest of the child and to provide redress for that behavior without court action
7 and without the creation of a formal court record;
- 8 (24) "Eligible youth" means a person who:
- 9 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
- 10 (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- 11 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
12 order to participate in state or federal educational programs or to establish
13 independent living arrangements;
- 14 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
15 homelike facility which provides temporary or emergency care of children and
16 adequate staff and services consistent with the needs of each child;
- 17 (26) "Emotional injury" means an injury to the mental or psychological capacity or
18 emotional stability of a child as evidenced by a substantial and observable
19 impairment in the child's ability to function within a normal range of performance
20 and behavior with due regard to his or her age, development, culture, and
21 environment as testified to by a qualified mental health professional;
- 22 (27) "Evidence-based practices" means policies, procedures, programs, and practices
23 proven by scientific research to reliably produce reductions in recidivism;
- 24 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
25 to a child, but who has an emotionally significant relationship with the child, or an
26 emotionally significant relationship with a biological parent, siblings, or half-
27 siblings of the child in the case of a child from birth to twelve (12) months of age,

- 1 prior to placement;
- 2 (29) "Firearm" ~~has~~shall have the same meaning as in KRS 237.060 ~~and 527.010~~;
- 3 (30) "Foster family home" means a private home in which children are placed for foster
4 family care under supervision of the cabinet or a licensed child-placing agency;
- 5 (31) "Graduated sanction" means any of a continuum of accountability measures,
6 programs, and sanctions, ranging from less restrictive to more restrictive in nature,
7 that may include but are not limited to:
- 8 (a) Electronic monitoring;
- 9 (b) Drug and alcohol screening, testing, or monitoring;
- 10 (c) Day or evening reporting centers;
- 11 (d) Reporting requirements;
- 12 (e) Community service; and
- 13 (f) Rehabilitative interventions such as family counseling, substance abuse
14 treatment, restorative justice programs, and behavioral or mental health
15 treatment;
- 16 (32) "Habitual runaway" means any child who has been found by the court to have been
17 absent from his or her place of lawful residence without the permission of his or her
18 custodian for at least three (3) days during a one (1) year period;
- 19 (33) "Habitual truant" means any child who is alleged to be or has been found by the
20 court to ~~be~~have been reported as a habitual truant as defined in KRS
21 159.150~~(3)~~(1) ~~two (2) or more times during a one (1) year period~~;
- 22 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or
23 public facility, health care facility, or part thereof, which is approved by the cabinet
24 to treat children;
- 25 (35) "Independent living" means those activities necessary to assist a committed child to
26 establish independent living arrangements;
- 27 (36) "Informal adjustment" means an agreement reached among the parties, with

- 1 consultation, but not the consent, of the victim of the crime or other persons
2 specified in KRS 610.070 if the victim chooses not to or is unable to participate,
3 after a petition has been filed, which is approved by the court, that the best interest
4 of the child would be served without formal adjudication and disposition;
- 5 (37) "Intentionally" means, with respect to a result or to conduct described by a statute
6 which defines an offense, that the actor's conscious objective is to cause that result
7 or to engage in that conduct;
- 8 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that
9 the program developed on the child's behalf is:
- 10 (a) No more harsh, hazardous, or intrusive than necessary;~~or~~
- 11 (b) Involves no restrictions on physical movements nor requirements for
12 residential care except as reasonably necessary for the protection of the child
13 from physical injury~~;~~ or protection of the community;~~;~~ and~~is~~
- 14 (c) Conducted at the suitable available facility closest to the child's place of
15 residence to allow for appropriate family engagement;
- 16 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS
17 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- 18 (40) "Near fatality" means an injury that, as certified by a physician, places a child in
19 serious or critical condition;
- 20 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 21 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and
22 who has not been otherwise charged with a status or public offense;
- 23 (43) "Nonsecure facility" means a facility which provides its residents access to the
24 surrounding community and which does not rely primarily on the use of physically
25 restricting construction and hardware to restrict freedom;
- 26 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a
27 child's own home, where a child may be temporarily placed pending further court

1 action. Children before the court in a county that is served by a state operated
2 secure detention facility, who are in the detention custody of the Department of
3 Juvenile Justice, and who are placed in a nonsecure alternative by the Department
4 of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;

5 (45) "Out-of-home placement" means a placement other than in the home of a parent,
6 relative, or guardian, in a boarding home, clinical treatment facility, community-
7 based facility, detention facility, emergency shelter, fictive kin home, foster family
8 home, hospital, nonsecure facility, physically secure facility, residential treatment
9 facility, or youth alternative center;

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

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

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

16 (49) "Physical injury" means substantial physical pain or any impairment of physical
17 condition;

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

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

25 (52) "Qualified mental health professional" means:

26 (a) A physician licensed under the laws of Kentucky to practice medicine or
27 osteopathy, or a medical officer of the government of the United States while

- 1 engaged in the performance of official duties;
- 2 (b) A psychiatrist 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 the practice of official duties, and who is certified or eligible to
- 5 apply for certification by the American Board of Psychiatry and Neurology,
- 6 Inc.;
- 7 (c) A psychologist with the health service provider designation, a psychological
- 8 practitioner, a certified psychologist, or a psychological associate licensed
- 9 under the provisions of KRS Chapter 319;
- 10 (d) A licensed registered nurse with:
- 11 1. A master's degree in psychiatric nursing from an accredited institution
- 12 and two (2) years of clinical experience with mentally ill persons;~~;~~ ~~or~~
- 13 ~~a licensed registered nurse with~~
- 14 2. A bachelor's degree in nursing from an accredited institution who:
- 15 a. Is certified as a psychiatric and mental health nurse by the
- 16 American Nurses Association; ~~and who~~
- 17 b. Has three (3) years of inpatient or outpatient clinical experience in
- 18 psychiatric nursing; ~~and who~~
- 19 c. Is currently employed by a hospital or forensic psychiatric facility
- 20 licensed by the Commonwealth or a psychiatric unit of a general
- 21 hospital, a private agency or company engaged in providing
- 22 mental health services, or a regional comprehensive care center;
- 23 (e) A licensed clinical social worker licensed under the provisions of KRS
- 24 335.100, or a certified social worker licensed under the provisions of KRS
- 25 335.080 with three (3) years of inpatient or outpatient clinical experience in
- 26 psychiatric social work and currently employed by a hospital or forensic
- 27 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a

1 general hospital, a private agency or company engaged in providing mental
2 health services, or a regional comprehensive care center;

3 (f) A marriage and family therapist licensed under the provisions of KRS
4 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical
5 experience in psychiatric mental health practice and currently employed by a
6 hospital or forensic psychiatric facility licensed by the Commonwealth, a
7 psychiatric unit of a general hospital, a private agency or company engaged in
8 providing mental health services, or a regional comprehensive care center;

9 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
10 335.599 with three (3) years of inpatient or outpatient clinical experience in
11 psychiatric mental health practice and currently employed by a hospital or
12 forensic facility licensed by the Commonwealth, a psychiatric unit of a
13 general hospital, a private agency or company engaged in providing mental
14 health services, or a regional comprehensive care center; or

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

- 17 1. Provides documentation that he or she has completed a psychiatric
18 residency program for physician assistants;
- 19 2. Has completed at least one thousand (1,000) hours of clinical experience
20 under a supervising physician, as defined by KRS 311.840, who is a
21 psychiatrist and is certified or eligible for certification by the American
22 Board of Psychiatry and Neurology, Inc.;
- 23 3. Holds a master's degree from a physician assistant program accredited
24 by the Accreditation Review Commission on Education for the
25 Physician Assistant or its predecessor or successor agencies, is
26 practicing under a supervising physician as defined by KRS 311.840,
27 and:

- 1 a. Has two (2) years of clinical experience in the assessment,
2 evaluation, and treatment of mental disorders; or
- 3 b. Has been employed by a hospital or forensic psychiatric facility
4 licensed by the Commonwealth or a psychiatric unit of a general
5 hospital or a private agency or company engaged in the provision
6 of mental health services or a regional community program for
7 mental health and individuals with an intellectual disability for at
8 least two (2) years; or
- 9 4. Holds a bachelor's degree, possesses a current physician assistant
10 certificate issued by the board prior to July 15, 2002, is practicing under
11 a supervising physician as defined by KRS 311.840, and:
- 12 a. Has three (3) years of clinical experience in the assessment,
13 evaluation, and treatment of mental disorders; or
- 14 b. Has been employed by a hospital or forensic psychiatric facility
15 licensed by the Commonwealth or a psychiatric unit of a general
16 hospital or a private agency or company engaged in the provision
17 of mental health services or a regional community program for
18 mental health and individuals with an intellectual disability for at
19 least three (3) years;
- 20 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
21 sec. 675(10);
- 22 (54) "Residential treatment facility" means a facility or group home with more than eight
23 (8) beds designated by the Department of Juvenile Justice or the cabinet for the
24 treatment of children;
- 25 (55) **"Responsive Interventions to Support and Empower team" or "RISE team"**
26 **means the interdisciplinary team established by a school participating in the**
27 **SOAR Program under Section 1 of this Act;**

1 **(56)** "Retain in custody" means, after a child has been taken into custody, the continued
2 holding of the child by a peace officer for a period of time not to exceed twelve (12)
3 hours when authorized by the court or the court-designated worker for the purpose
4 of making preliminary inquiries;

5 **(57)**~~[(56)]~~ "Risk and needs assessment" means an actuarial tool scientifically proven to
6 identify specific factors and needs that are related to delinquent and noncriminal
7 misconduct;

8 **(58)**~~[(57)]~~ "Safety plan" means a written agreement developed by the cabinet and agreed
9 to by a family that clearly describes the protective services that the cabinet will
10 provide the family in order to manage risks to a child's safety;

11 **(59)**~~[(58)]~~ "School personnel" means those certified persons under the supervision of the
12 local public or private education agency;

13 **(60)**~~[(59)]~~ "Secretary" means the secretary of the Cabinet for Health and Family
14 Services;

15 **(61)**~~[(60)]~~ "Secure juvenile detention facility" means any physically secure facility used
16 for the secure detention of children other than any facility in which adult prisoners
17 are confined;

18 **(62)**~~[(61)]~~ "Serious physical injury" means physical injury which creates a substantial
19 risk of death or which causes serious and prolonged disfigurement, prolonged
20 impairment of health, or prolonged loss or impairment of the function of any bodily
21 member or organ;

22 **(63)**~~[(62)]~~ "Sexual abuse" includes but is not ~~necessarily~~ limited to any contacts or
23 interactions in which the parent, guardian, person in a position of authority or
24 special trust, as **those terms are** defined in KRS 532.045, or other person having
25 custodial control or supervision of the child or responsibility for his or her welfare,
26 uses or allows, permits, or encourages the use of the child for the purposes of the
27 sexual stimulation of the perpetrator or another person;

1 ~~(64)~~~~((63))~~ "Sexual exploitation" includes but is not limited to a situation in which a
2 parent, guardian, person in a position of authority or special trust, as those terms
3 are defined in KRS 532.045, or other person having custodial control or supervision
4 of a child or responsible for his or her welfare, allows, permits, or encourages the
5 child to engage in an act which constitutes prostitution under Kentucky law; or a
6 parent, guardian, person in a position of authority or special trust, as those terms
7 are defined in KRS 532.045, or other person having custodial control or supervision
8 of a child or responsible for his or her welfare, allows, permits, or encourages the
9 child to engage in an act of obscene or pornographic photographing, filming, or
10 depicting of a child as provided~~for~~ under Kentucky law;

11 ~~(65)~~~~((64))~~ "Social service worker" means any employee of the cabinet or any private
12 agency designated as such by the secretary of the cabinet or a social worker
13 employed by a county or city who has been approved by the cabinet to provide,
14 under its supervision, services to families and children;

15 ~~(66)~~~~((65))~~ "Staff secure facility for residential treatment" means any setting which
16 assures that all entrances and exits are under the exclusive control of the facility
17 staff, and in which a child may reside for the purpose of receiving treatment;

18 ~~(67)~~~~((66))~~ "Statewide reporting system" means a system for making and compiling
19 reports of child dependency, neglect, and abuse in Kentucky made via telephone
20 call or in writing by a member of the public;

21 ~~(68)~~~~((67))~~ (a) "Status offense action" is any action brought in the interest of a child
22 who is accused of committing acts, which if committed by an adult, would not
23 be a crime. Such behavior shall not be considered criminal or delinquent and
24 such children shall be termed status offenders. Status offenses shall include:

- 25 1. Beyond the control of the school or beyond the control of parents;
- 26 2. Habitual runaway;
- 27 3. Habitual truant; and

1 4. Alcohol offenses as provided in KRS 244.085.

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

4 **(69) "Supporting Opportunities for Accountability and Restoration Program" or**
5 **"SOAR Program" means the pilot program established under Section 1 of this**
6 **Act;**

7 **(70)**~~(68)~~ "Take into custody" means the procedure by which a peace officer or other
8 authorized person initially assumes custody of a child. A child may be taken into
9 custody for a period of time not to exceed two (2) hours;

10 **(71)**~~(69)~~ "Transitional living support" means all benefits to which an eligible youth is
11 entitled upon being granted extended or reinstated commitment to the cabinet by the
12 court;

13 **(72)**~~(70)~~ "Transition plan" means a plan that is personalized at the direction of the
14 youth that:

15 (a) Includes specific options on housing, health insurance, education, local
16 opportunities for mentors and continuing support services, and workforce
17 supports and employment services; and

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

19 **(73)**~~(71)~~ "Valid court order" means a court order issued by a judge to a child alleged or
20 found to be a status offender:

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

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

23 (c) Who was given written and verbal warning of the consequences of the
24 violation of the order at the time the order was issued and whose attorney or
25 parent or legal guardian was also provided with a written notice of the
26 consequences of violation of the order, which notification is reflected in the
27 record of the court proceedings; and

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

3 ~~(74)~~~~(72)~~ "Violation" means any offense, other than a traffic infraction, for which a
4 sentence of a fine only can be imposed;

5 ~~(75)~~~~(73)~~ "Youth alternative center" means a nonsecure facility, approved by the
6 Department of Juvenile Justice, for the detention of juveniles, both prior to
7 adjudication and after adjudication, which meets the criteria specified in KRS
8 15A.320; and

9 ~~(76)~~~~(74)~~ "Youthful offender" means any person regardless of age, transferred to Circuit
10 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently
11 convicted in Circuit Court.

12 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO
13 READ AS FOLLOWS:

14 **(1) A child who is alleged to be a status offender, adjudicated as a status offender, or**
15 **a status offender alleged or found to have violated a valid court order may be**
16 **detained as follows:**

17 **(a) A child who is under fourteen (14) years old shall not be detained in a**
18 **secure juvenile detention facility but may be detained in a nonsecure setting**
19 **approved by the Department of Juvenile Justice; and**

20 **(b) A child who is fourteen (14) years of age or older may be detained in a**
21 **nonsecure setting approved by the Department of Juvenile Justice or a**
22 **secure juvenile detention facility.**

23 **(2) (a) Unless a shorter time period is established in this chapter or KRS Chapter**
24 **610, any child who may be detained in a secure juvenile detention facility**
25 **shall not be detained for longer than seven (7) days unless a court makes**
26 **written findings that further detention of the child is necessary for the**
27 **protection of the child or the community.**

1 **(b) In no event shall the period of detention under paragraph (a) of this**
2 **subsection exceed thirty (30) days.**

3 ➔Section 11. KRS 158.135 is amended to read as follows:

4 (1) As used in this section, unless the context otherwise requires:

5 (a) "State agency children" means:

6 1. a. Those children of school age committed to or in custody of the
7 Cabinet for Health and Family Services and placed, or financed by
8 the cabinet, in a Cabinet for Health and Family Services operated
9 or contracted institution, treatment center, facility, including those
10 for therapeutic foster care and excluding those for nontherapeutic
11 foster care; or

12 b. Those children placed or financed by the Cabinet for Health and
13 Family Services in a private facility pursuant to child care
14 agreements including those for therapeutic foster care and
15 excluding those for nontherapeutic foster care;

16 2. Those children of school age in home and community-based services
17 provided as an alternative to intermediate care facility services for the
18 intellectually disabled;

19 3. Those children committed to or in custody of the Department of
20 Juvenile Justice and placed in a department operated or contracted
21 facility or program; and

22 4. Those children referred by a **court-designated worker as defined in**
23 **Section 9 of this Act**~~[family accountability, intervention, and response~~
24 ~~team as described in KRS 605.035]~~ and admitted to a Department of
25 Juvenile Justice operated or contracted day treatment program;

26 (b) "Current costs and expenses" means all expenditures, other than for capital
27 outlay and debt service, which are in excess of the amount generated by state

1 agency children under the Support Education Excellence in Kentucky funding
2 formula pursuant to KRS 157.360. These expenditures are necessary to
3 provide a two hundred thirty (230) day school year, smaller teacher pupil
4 ratio, related services if identified on an individual educational plan, and more
5 intensive educational programming; and

6 (c) "Therapeutic foster care" means a remedial care program for troubled children
7 and youth that is in the least restrictive environment where the foster parent is
8 trained to implement planned, remedial supervision and care leading to
9 positive changes in the child's behavior. Children served in this placement
10 have serious emotional problems and meet one (1) or more of the following
11 criteria:

- 12 1. Imminent release from a treatment facility;
- 13 2. Aggressive or destructive behavior;
- 14 3. At risk of being placed in more restrictive settings, including
15 institutionalization; or
- 16 4. Numerous placement failures.

17 (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any
18 county or independent school district that provides elementary or secondary
19 school services to state agency children shall be reimbursed through a contract
20 with the Kentucky Educational Collaborative for State Agency Children. The
21 school services furnished to state agency children shall be equal to those
22 furnished to other school children of the district.

23 (b) The Department of Education shall, to the extent possible within existing
24 appropriations, set aside an amount of the state agency children funds
25 designated by the General Assembly in the biennial budget to reimburse a
26 school district for its expenditures exceeding twenty percent (20%) of the total
27 amount received from state and federal sources to serve a state agency child.

1 (3) The General Assembly shall, if possible, increase funding for the education
2 programs for state agency children by a percentage increase equal to that provided
3 in the biennial budget for the base funding level for each pupil in the program to
4 support education excellence in Kentucky under KRS 157.360 and, if applicable, by
5 an amount necessary to address increases in the number of state agency children
6 being served.

7 (4) The Kentucky Educational Collaborative for State Agency Children shall make to
8 the chief state school officer the reports required concerning school services for
9 state agency children, and shall file with the Cabinet for Health and Family Services
10 unit operating or regulating the institution or day treatment center, or contracting
11 for services, in which the children are located a copy of the annual report made to
12 the chief state school officer.

13 (5) The Department of Juvenile Justice shall contract with a public university or
14 nonprofit education entity utilizing all funds generated by the children in state
15 agency programs, except Oakwood and Hazelwood funds, and the funds in the
16 Kentucky Department of Education budget, pursuant to this section, as well as any
17 other educational funds for which all Kentucky children are entitled. The total of
18 these funds shall be utilized to provide educational services through the Kentucky
19 Educational Collaborative for State Agency Children established in KRS 605.110.

20 (6) Notwithstanding the provisions of any other statute, the Kentucky Educational
21 Collaborative for State Agency Children shall operate a two hundred thirty (230)
22 day school program.

23 ➔Section 12. KRS 200.505 is amended to read as follows:

24 There is hereby created a State Interagency Council for Services and Supports to
25 Children and Transition-Age Youth. The chairperson of the council shall be designated
26 by the Governor and shall establish procedures for the council's internal procedures.

27 (1) This council shall be composed of the following:

1 (a) Members who shall serve by virtue of their positions:

2 1. The commissioner of the Department of Education;~~[-]~~

3 2. The commissioner of the Department for Behavioral Health,
4 Developmental and Intellectual Disabilities;~~[-]~~

5 3. The commissioner of the Department for Community Based Services;~~[-]~~

6 4. The commissioner of the Department for Public Health;~~[-]~~

7 5. The commissioner of the Department for Medicaid Services;~~[-]~~

8 6. The commissioner of the Department of Juvenile Justice;~~[-]~~

9 7. The director of the Division of Family Resource and Youth Services
10 Centers;~~[-]~~

11 8. The executive director of the Office for Children with Special Health
12 Care Needs;~~[-]~~

13 9. The executive officer of the Department of Family and Juvenile Services
14 of the Administrative Office of the Courts;~~[-]~~

15 10. The chair of the Subcommittee for Equity and Justice for all Youth of
16 the Juvenile Justice Advisory Board;~~[-]~~

17 11. The executive director of the Kentucky Housing Corporation;~~[-]~~

18 12. The executive director of the Kentucky Office of Vocational
19 Rehabilitation;~~[-]~~ and

20 13. The president of the Council on Postsecondary Education, or their
21 designees;

22 (b) The chairperson of the council shall appoint one (1) parent of a child or
23 transition-age youth with a behavioral health need, who is a consumer of
24 services and supports within the system of care to serve as a member of the
25 council, and one (1) parent who meets the same criteria to serve as the parent
26 member's alternate to serve in the absence of the parent member. For each
27 appointment to be made, the State Interagency Council for Services and

1 Supports to Children and Transition-Age Youth shall vote on nominations
2 submitted by members. The nominee receiving the most votes shall be
3 appointed. Appointees shall serve a term of two (2) years and may be
4 reappointed to additional two (2) year terms. If the child of the parent member
5 or alternate parent member ceases to be a consumer of services and supports
6 within the system of care during the term of appointment, the member shall be
7 eligible to serve out the remainder of the term of appointment. The alternate
8 parent member may attend and participate in all council meetings but shall
9 vote only in the absence of the parent member. The parent member and
10 alternate parent member shall receive no compensation in addition to that
11 which they may already receive as service providers or state employees who
12 are required to attend as part of their duties, but the parent member and
13 alternate parent member shall be reimbursed for expenses incurred through
14 the performance of their duties as council members if it is outside the scope of
15 their job duties;

- 16 (c) The chairperson of the council shall appoint one (1) youth between the ages of
17 sixteen (16) and twenty-five (25), who has a behavioral health disorder and
18 who is receiving or has received services to address mental health, substance
19 use, or co-occurring mental health and substance use disorder, to serve as a
20 member of the council, and one (1) youth who meets the same criteria to serve
21 as the youth member's alternate in the absence of the youth member. For each
22 appointment to be made, the State Interagency Council for Services and
23 Supports to Children and Transition-Age Youth shall vote on nominations
24 submitted by members. The nominee receiving the most votes shall be
25 appointed. Appointees shall serve a term of two (2) years and may be
26 reappointed to additional two (2) year terms, and the youth member and the
27 youth member's alternate shall be eligible to serve out the remainder of their

1 term of appointment regardless of age. The alternate youth member may
2 attend and participate in all council meetings but shall vote only in the
3 absence of the youth member. The youth member and alternate youth member
4 shall receive no compensation in addition to that which they may already
5 receive as service providers or state employees who are required to attend as
6 part of their duties, but the youth member and alternate youth member shall be
7 reimbursed for expenses incurred through the performance of their duties as
8 council members if it is outside the scope of their job duties;

9 (d) The chairperson of the council shall appoint one (1) member of a nonprofit
10 family organization representing consumers of services and supports within
11 the system of care whose membership, leadership, and governance include
12 parents, primary caregivers, or children or transition-age youth with serious
13 emotional, behavioral, or mental health needs, to serve as a member of the
14 council. For each appointment to be made, the chair shall publicly post on the
15 State Interagency Council for Services and Supports to Children and
16 Transition-Age Youth website~~[Web site]~~ a solicitation for letters of interest
17 from qualified organizations and submit all qualified responses to a vote of
18 the full membership. The organization which receives the most votes shall
19 designate a representative to serve a term of two (2) years, and may be
20 reappointed to additional two (2) year terms. The family organization member
21 shall receive no compensation in addition to that which the member may
22 already receive as an employee who is required to attend as part of his or her
23 duties, but shall be reimbursed for expenses incurred through the performance
24 of duties as a council member if it is outside the scope of his or her job duties;
25 and

26 (e) At the end of a term, a member shall continue to serve until a successor is
27 appointed.

- 1 (2) The State Interagency Council for Services and Supports to Children and
2 Transition-Age Youth shall:
- 3 (a) Make recommendations annually to the Governor and the Legislative
4 Research Commission regarding the system of care for children and
5 transition-age youth with or at risk of behavioral health needs;
- 6 (b) Direct each regional interagency council to **operate as the regional locus of**
7 **accountability for the system of care;**~~:-~~
- 8 ~~1. Operate as the regional locus of accountability for the system of care;~~
9 ~~and~~
- 10 ~~2. Participate in family accountability, intervention, and response teams~~
11 ~~established pursuant to KRS 605.035;]~~
- 12 (c) Assess the effectiveness of regional councils in serving as the locus of
13 accountability for the system of care for children and transition-age youth
14 with or at risk of behavioral health needs;
- 15 (d) Meet at least monthly and maintain records of meetings; and
- 16 (e) Develop a comprehensive array of services and supports to meet the needs of
17 children and transition-age youth with or at risk of developing behavioral
18 health needs.
- 19 (3) Agencies represented on the state council shall adopt interagency agreements as
20 necessary to advance the system of care.
- 21 (4) The State Interagency Council for Services and Supports to Children and
22 Transition-Age Youth may promulgate administrative regulations necessary to
23 comply with the requirements of KRS 200.501 to 200.509.
- 24 ➔Section 13. KRS 200.509 is amended to read as follows:
- 25 (1) There are hereby created regional interagency councils for the system of care.
26 These councils shall be formed in each area development district within the
27 Commonwealth of Kentucky, except that those area development districts that

1 contain a county with a population greater than one hundred thousand (100,000)
2 may form up to three (3) such councils. The regional interagency councils shall be
3 chaired by one (1) member, chosen by a majority vote of the members. Each
4 council shall be composed of the following members:

5 (a) The children's services director from each regional community mental health
6 center or his or her~~their~~ designee;

7 (b) One (1) court-designated specialist or court-designated worker chosen by the
8 executive officer of the Department of Family and Juvenile Services of the
9 Administrative Office of the Courts;

10 (c) One (1) special education cooperative representative with behavioral health
11 experience chosen by the directors of cooperatives in the area served by the
12 regional council;

13 (d) One (1) parent of a child with a behavioral health need, who is or has been a
14 consumer of system of care services and supports, and one (1) parent who
15 meets the same criteria to serve as the parent member's alternate, who may
16 attend and participate in all council meetings, but shall vote only in the
17 absence of the parent member. For each appointment to be made, the regional
18 interagency council for which the appointment is to be made shall submit to
19 the chair of the State Interagency Council for Services and Supports to
20 Children and Transition-Age Youth a list of two (2) names of parents who are
21 qualified for appointment from which list the chair of the State Interagency
22 Council for Services and Supports to Children and Transition-Age Youth shall
23 make the appointment. Appointees shall serve a term of two (2) years, and
24 may be reappointed to additional two (2) year terms. If the child of the parent
25 member or alternate parent member ceases to be a consumer of system of care
26 services and supports during the term of appointment, the member shall be
27 eligible to serve out the remainder of the term of appointment;

- 1 (e) One (1) transition-age youth who has a behavioral health disorder and who is
2 receiving or has received a service to address mental health, substance use, or
3 co-occurring mental health and substance use disorder, and one (1) transition-
4 age youth who meets the same criteria to serve as the youth member's
5 alternate in the absence of the youth member. For each appointment to be
6 made, the regional interagency council for which the appointment is to be
7 made shall submit to the chair of the State Interagency Council for Services
8 and Supports to Children and Transition-Age Youth a list of two (2) names of
9 transition-age youth who are qualified for appointment from which list the
10 chair of the State Interagency Council for Services and Supports to Children
11 and Transition-Age Youth shall make the appointment. Appointees shall serve
12 a term of two (2) years, and may be reappointed to additional two (2) year
13 terms. If the youth member or alternate youth member ceases to be a
14 consumer of system of care services and supports during the term of
15 appointment, the member shall be eligible to serve out the remainder of the
16 term of appointment;
- 17 (f) Any other local public or private agency that provides services and supports to
18 children and transition-age youth with behavioral health needs which the
19 regional interagency council may invite to have a representative become a
20 permanent or temporary member of the council; and
- 21 (g) One (1) representative from each of the Department of Juvenile Justice,
22 family resource and youth services centers, the Kentucky Office of Vocational
23 Rehabilitation, the Department for Community Based Services, and local
24 health departments.
- 25 (2) ~~A[No]~~ member of a regional interagency council for the system of care shall **not** be
26 given compensation in addition to that which they already receive as service
27 providers or state employees, except that the parent and youth members and

1 alternate parent and youth members of regional interagency councils shall be
2 reimbursed by the regional interagency council's contracted fiscal agent for all
3 expenses incurred through the performance of their duties as council members if it
4 is outside the scope of their job duties.

5 (3) Each regional interagency council for the system of care shall perform the
6 following functions:

7 (a) Conduct regional system of care planning and operations;

8 (b) Coordinate system-level continuous quality improvement;

9 (c) Identify and develop system of care expansion opportunities;

10 (d) Promote awareness of the system of care;

11 (e) Initiate and adopt interagency agreements as necessary for providing services
12 and supports to children and transition-age youth with or at risk of behavioral
13 health needs by the agencies represented in the regional council; **and**

14 (f) Advise the state interagency council regarding the system of care within the
15 region; ~~and~~

16 ~~(g) Participate in family accountability, intervention, and response teams~~
17 ~~established pursuant to KRS 605.035].~~

18 (4) The secretary **of the Cabinet** for Health and Family Services and the designee of the
19 **Kentucky**~~[State]~~ Department of Education shall ensure that regional interagency
20 councils for the system of care are formed.

21 (5) Local interagency councils for the system of care may be formed at the discretion of
22 a regional interagency council to advance the functions of the regional interagency
23 council at the city, county, or other local community level.

24 ➔Section 14. KRS 605.130 is amended to read as follows:

25 In addition to the other duties, functions, and responsibilities imposed by law, the cabinet,
26 through its authorized representatives, shall have general supervision and management of
27 all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:

- 1 (1) Locate and plan for all children who are dependent, neglected, or abused;
- 2 (2) Cooperate with and assist the courts of the various counties;
- 3 (3) Assist Circuit Courts through services to children whenever requested by the court.
- 4 The cabinet may charge a reasonable fee for such services to be taxed as costs by
- 5 the court;
- 6 (4) ~~[Assess all referrals received from a court-designated worker, pursuant to direction~~
- 7 ~~from the family accountability, intervention, and response team, to determine~~
- 8 ~~whether a basis exists to file a dependency, neglect, or abuse petition;~~
- 9 ~~(5)]~~Track and report to the oversight council created in KRS 15A.063 the number of
- 10 referrals received, the number of investigations made upon those referrals, and the
- 11 number and type of petitions filed in response;
- 12 ~~(5) [(6)]~~ Identify all youth who have status offense charges and are committed or
- 13 probated to the cabinet and report the number of committed and probated youth to
- 14 the oversight council created in KRS 15A.063; and
- 15 ~~(6) [(7)]~~ Perform such other services as may be deemed necessary for the protection of
- 16 children.

17 ➔Section 15. KRS 610.265 is amended to read as follows:

- 18 (1) (a) Any child who is alleged to be a status offender or who is accused of being in
- 19 contempt of court on an underlying finding that the child is a status offender
- 20 may be detained in accordance with Section 10 of this Act~~[in a nonsecure~~
- 21 ~~facility or a secure juvenile detention facility]~~ for a period of time not to
- 22 exceed twenty-four (24) hours, exclusive of weekends and holidays, pending a
- 23 detention hearing.
- 24 (b) Any child who is accused of committing a public offense or of being in
- 25 contempt of court on an underlying public offense may be detained in a secure
- 26 juvenile detention facility or a nonsecure setting approved by the Department
- 27 of Juvenile Justice for a period of time not to exceed forty-eight (48) hours,

1 exclusive of weekends and holidays, pending a detention hearing.

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

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

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

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

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

1 limited to trades, arts, sports, mentoring, counseling, support programs, or
2 community-based programs. These organizations may offer transition services to
3 any child who is released from detention.

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

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

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

15 (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status
16 offender, the child may be detained in accordance with Section 10 of this
17 Act~~[a secure juvenile detention facility for a period not to exceed twenty four~~
18 ~~(24) hours after which detention shall occur in a nonsecure setting approved~~
19 ~~by the Department of Juvenile Justice]~~ pending the child's next court
20 appearance subject to the court's review of the detention order prior to the
21 next court appearance;

22 (c) If a status offender or a child alleged to be a status offender is charged with
23 violating a valid court order, the child may be detained in accordance with
24 Section 10 of this Act~~[a secure juvenile detention facility, or in a nonsecure~~
25 ~~setting approved by the Department of Juvenile Justice,]~~ for a period not to
26 exceed forty-eight (48) hours, exclusive of weekends and holidays, pending
27 the child's next court appearance;

1 (d) Prior to ordering a status offender or alleged status offender who is subject to
2 a valid court order ~~{securely}~~detained **in accordance with Section 10 of this**
3 **Act** because the child violated the valid court order, the court shall:

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

24 (e) If the child is charged with a public offense~~{,}~~ or contempt on a public
25 offense, and the county in which the case is before the court is served by a
26 state -operated secure detention facility under the statewide detention plan, the
27 child shall be referred to the Department of Juvenile Justice for a security

1 assessment and placement in an approved detention facility or program
2 pending the child's next court appearance.

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

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

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

12 ➔Section 16. KRS 610.990 is amended to read as follows:

13 Any person who intentionally violates any of the provisions of this chapter shall be guilty
14 of a Class B misdemeanor~~[, except that an intentional violation of an order issued under~~
15 ~~KRS 610.030(11) shall be referred to the county attorney for prosecution under KRS~~
16 ~~530.070(1)(c) if the case relates to truancy].~~

17 ➔Section 17. KRS 630.010 is amended to read as follows:

18 In addition to those purposes set forth in KRS 600.010, this chapter shall be interpreted
19 and construed to effectuate the following purposes regarding status offenders:

20 (1) The Commonwealth's courts shall utilize a separate and distinct set of guidelines for
21 status offenders which reflect their individual needs;

22 (2) It shall be declared to be the policy of this Commonwealth that all its efforts and
23 resources be directed at involving the child and the family in remedying the
24 problem for which they have been referred;

25 (3) **A status offender**~~[Status offenders shall not be detained in secure juvenile detention~~
26 ~~facilities or juvenile holding facilities after the initial detention hearing unless the~~
27 ~~child is] accused of[,]~~ or **adjudicated for the violation of**~~[has an adjudication that~~

1 ~~the child has violated~~ a valid court order~~, in which case the child~~ may be securely
2 detained **in accordance with Section 10 of this Act** for up to forty-eight (48) hours,
3 exclusive of weekends and holidays, pending receipt of the written report required
4 under KRS 630.080(4). Any period of secure detention prior to the detention
5 hearing shall not exceed twenty-four (24) hours, exclusive of weekends and
6 holidays;

7 (4) Status offenders accused of violating a valid court order shall not be securely
8 detained in intermittent holding facilities; and

9 (5) Status offenders accused of or found guilty of violating a valid court order shall not
10 be converted into public offenders by virtue of this conduct.

11 ➔Section 18. KRS 630.040 is amended to read as follows:

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

13 (1) Deliver the child suffering from a physical condition or illness which requires
14 prompt medical treatment to a medical facility or physician. Children suspected of
15 having a mental or emotional illness shall be evaluated in accordance with the
16 provisions of KRS Chapter 645;

17 (2) Contact a court designated worker who shall have the responsibility for determining
18 appropriate placement pursuant to KRS 610.200(5);

19 (3) If the court designated worker determines that the placements designated in KRS
20 610.200(5) and subsection (1) of this section have been exhausted or are not
21 appropriate, a child may be delivered to a secure juvenile detention facility, a
22 juvenile holding facility, or a nonsecure setting approved by the Department of
23 Juvenile Justice, **in accordance with Section 10 of this Act**, pending the detention
24 hearing;

25 (4) When the child has not been released to his **or her** parents or person exercising
26 custodial control or supervision, the person taking the child into custody shall make
27 a reasonable effort promptly to give oral notice to the parent or person exercising

1 custodial control or supervision of the child;

2 (5) In all instances the peace officer taking a child into custody shall provide a written
3 statement to the court designated worker of the reasons for taking the child into
4 custody;

5 (6) If the child is placed in an emergency shelter or medical facility, during the
6 adjudication and disposition of his case, the court may order his or her parents to be
7 responsible for the expense of his care; and

8 (7) The peace officer taking the child into custody shall within three (3) hours of taking
9 a child into custody file a complaint with the court, stating the basis for taking the
10 child into custody and the reason why the child was not released to the parent or
11 other adult exercising custodial control or supervision of the child, relative or other
12 responsible adult, a court designated agency, an emergency shelter or medical
13 facility. Pending further disposition of the case, the court or the court designated
14 worker may release the child to the custody of any responsible adult who can
15 provide adequate care and supervision.

16 ➔Section 19. KRS 630.050 is amended to read as follows:

17 Before commencing any judicial proceedings on any complaint alleging the commission
18 of a status offense, except as permitted under KRS 610.030~~(7)(6)~~, the party or parties
19 seeking such court action shall meet for a conference with a court-designated worker for
20 the express purpose of determining whether or not:

21 (1) To refer the matter to the court by assisting in the filing of a petition under KRS
22 610.020;

23 (2) To refer the child and his family to a public or private social service agency. The
24 court-designated worker shall make reasonable efforts to refer the child and his
25 family to an agency before referring the matter to court; or

26 (3) To enter into a diversionary agreement.

27 ➔Section 20. KRS 630.070 is amended to read as follows:

1 ~~A[No]~~ status offender shall **not** be placed in a secure juvenile detention facility or
2 juvenile holding facility as a means or form of punishment except **in accordance with**
3 **Section 10 of this Act**, following a finding that the status offender has violated a valid
4 court order.

5 ➔ Section 21. KRS 630.080 is amended to read as follows:

6 (1) **(a)** In order for the court to detain a child after the detention hearing, the
7 Commonwealth shall establish probable cause at the detention hearing that the
8 child is a status offender and that further detention of the child is necessary for
9 the protection of the child or the community.

10 **(b)** If the Commonwealth fails to establish probable cause that the child is a status
11 offender, the complaint shall be dismissed and the child shall be released.

12 **(c)** If the Commonwealth establishes probable cause that the child is a status
13 offender, but that further detention of the child is not necessary for the
14 protection of the child or the community, the child shall be released to the
15 parent or person exercising custodial control or supervision of the child.

16 **(d)** If grounds are established that the child is a status offender, and that further
17 detention is necessary, the child may be placed in a nonsecure setting
18 approved by the Department of Juvenile Justice;

19 (2) **Notwithstanding Section 10 of this Act**, a status offender may be securely detained
20 if the cabinet has initiated or intends to initiate transfer of the youth by competent
21 document under the provisions of the interstate compact pursuant to KRS Chapter
22 615;

23 (3) The appropriate public agency shall:

24 (a) Within twenty-four (24) hours, exclusive of weekends and holidays, of
25 receiving notification, as provided in KRS 15A.305(3), that a status offender
26 or alleged status offender has been detained on the allegation that the child
27 has violated a valid court order, meet with and interview the child; and

1 (b) Within forty-eight (48) hours, exclusive of weekends~~[weekend]~~ and holidays,
2 of the detention hearing required under KRS 610.265, prepare and deliver to
3 the court the completed written report required by subsection (4) of this
4 section and KRS 610.265 if the child remains in detention after the detention
5 hearing, and prior to the disposition hearing if the child has not been detained;
6 and

7 (4) (a) A status offender or alleged status offender who is subject to a valid court
8 order may be ~~[securely]~~detained **in accordance with Section 10 of this Act**
9 upon a finding that the child violated the valid court order if the court does the
10 following prior to ordering that detention:

11 ~~1.[(a)]~~ Affirms that the requirements for a valid court order were met at
12 the time the original order was issued;

13 ~~2.[(b)]~~ Makes a determination during the adjudicatory hearing that the
14 child violated the valid court order; and

15 ~~3.[(c)]~~ a. Within forty-eight (48) hours after the adjudicatory hearing
16 on the violation of a valid court order by the child, exclusive of
17 weekends and holidays, the court:

18 i. Receives and reviews a written report prepared by an
19 appropriate public agency that reviews the behavior of the
20 child and the circumstances under which the child was
21 brought before the court,

22 ii. Determines the reasons for the child's behavior;~~[t]~~ and

23 iii. Determines whether all dispositions other than ~~[secure~~
24 ~~]detention~~ **in accordance with Section 10 of this Act** have
25 been exhausted or are inappropriate.

26 b. If a prior written report is included in the child's file, that report
27 shall not be used to satisfy this requirement.

1 **(b)** The child may be ~~{securely}~~detained **in accordance with Section 10 of this**
2 **Act** for a period not to exceed forty-eight (48) hours, exclusive of weekends
3 and holidays, pending receipt and review of the report by the court **under**
4 **paragraph (a)3. of this subsection.**

5 **(c)** The hearing shall be conducted in accordance with the provisions of KRS
6 610.060. The findings required by this subsection shall be included in any
7 order issued by the court which results in the ~~{secure or nonsecure}~~detention
8 of a status offender.

9 ➔Section 22. The following KRS sections are repealed:

10 605.035 Family accountability, intervention, and response teams -- Purpose --
11 Membership.

12 630.100 Detention of adjudicated status offender.