

1 AN ACT relating to crimes and punishments.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 635 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Notwithstanding KRS 532.352 or 610.295, in addition to any child support*
6 *ordered in accordance with KRS 610.170, the committing court shall, in*
7 *accordance with subsection (2) of this section, order the parent, guardian, or*
8 *person exercising custodial control of a child committed to the Department of*
9 *Juvenile Justice for any nonstatus juvenile offense to reimburse the Department*
10 *of Juvenile Justice for the costs of the child's commitment.*

11 *(2) No parent, guardian, or person exercising custodial control shall be ordered to*
12 *reimburse the Department of Juvenile Justice for the costs of a juvenile's*
13 *commitment unless the court has provided notice of a hearing, provided an*
14 *opportunity to be heard, and made a finding that the person's failure to exercise*
15 *reasonable control or supervision was a substantial factor in the child's*
16 *delinquency.*

17 *(3) The committing court shall determine the amount of costs to be paid based on the*
18 *following factors:*

19 *(a) The actual cost of placing the juvenile in a Department of Juvenile Justice*
20 *approved placement;*

21 *(b) The cost of medical services provided to the juvenile;*

22 *(c) The ability of the parent, guardian, or person exercising custodial control to*
23 *pay all or part of the juvenile's commitment costs.*

24 ➔Section 2. KRS 17.125 is amended to read as follows:

25 (1) The following agencies are ~~part~~^{parts} of Kentucky's juvenile justice system and
26 shall, subject to restrictions imposed by state or federal law, disclose and share with
27 each other all information they maintain on a juvenile in a facility or program or

1 informal adjustment authorized by law:

2 (a) All sheriff's offices, police departments, and any other law enforcement
3 agency;

4 (b) All Commonwealth's attorneys and county attorneys;

5 (c) The Attorney General;

6 (d) All jails and juvenile detention facilities, public and private;

7 (e) All courts and clerks of courts;

8 (f) The Administrative Office of the Courts;

9 (g) All departments within the Justice and Public Safety Cabinet; **and**

10 (h) All departments within the Cabinet for Health and Family Services; ~~and~~

11 ~~(i) All family accountability, intervention, and response teams].~~

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

15 (3) Once a complaint is filed with a court-designated worker alleging that a child has
16 committed a status offense or public offense, all public or private elementary or
17 secondary schools, vocational or business schools, or institutions of higher
18 education shall provide all records specifically requested in writing, and pertaining
19 to that child, to any of the agencies listed in subsection (1) of this section. Pursuant
20 to the authority granted to the Commonwealth under the Family Educational Rights
21 and Privacy Act, 20 U.S.C. sec. 1232g, when this section refers to the release of
22 educational records, the purpose of the release shall be limited to providing the
23 juvenile justice system with the ability to effectively serve, prior to adjudication, the
24 needs of the student whose records are sought. The authorities to which the data are
25 released shall certify that any educational records obtained pursuant to this section
26 shall only be released to persons authorized by statute and shall not be released to
27 any other person without the written consent of the parent of the child. The request,

1 certification, and a record of the release shall be maintained in the student's file.

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

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

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

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

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

14 (a) "State agency children" means:

15 1. a. Those children of school age committed to or in custody of the
16 Cabinet for Health and Family Services and placed, or financed by
17 the cabinet, in a Cabinet for Health and Family Services operated
18 or contracted institution, treatment center, facility, including those
19 for therapeutic foster care and excluding those for nontherapeutic
20 foster care; or

21 b. Those children placed or financed by the Cabinet for Health and
22 Family Services in a private facility pursuant to child care
23 agreements including those for therapeutic foster care and
24 excluding those for nontherapeutic foster care;

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

- 1 3. Those children committed to or in custody of the Department of
2 Juvenile Justice and placed in a department operated or contracted
3 facility or program; and
- 4 4. Those children referred by a *court-designated worker as defined in*
5 *KRS 600.020*~~[family accountability, intervention, and response team as~~
6 ~~described in KRS 605.035]~~ and admitted to a Department of Juvenile
7 Justice operated or contracted day treatment program;
- 8 (b) "Current costs and expenses" means all expenditures, other than for capital
9 outlay and debt service, which are in excess of the amount generated by state
10 agency children under the Support Education Excellence in Kentucky funding
11 formula pursuant to KRS 157.360. These expenditures are necessary to
12 provide a two hundred thirty (230) day school year, smaller teacher pupil
13 ratio, related services if identified on an individual educational plan, and more
14 intensive educational programming; and
- 15 (c) "Therapeutic foster care" means a remedial care program for troubled children
16 and youth that is in the least restrictive environment where the foster parent is
17 trained to implement planned, remedial supervision and care leading to
18 positive changes in the child's behavior. Children served in this placement
19 have serious emotional problems and meet one (1) or more of the following
20 criteria:
- 21 1. Imminent release from a treatment facility;
- 22 2. Aggressive or destructive behavior;
- 23 3. At risk of being placed in more restrictive settings, including
24 institutionalization; or
- 25 4. Numerous placement failures.
- 26 (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any
27 county or independent school district that provides elementary or secondary

1 school services to state agency children shall be reimbursed through a contract
2 with the Kentucky Educational Collaborative for State Agency Children. The
3 school services furnished to state agency children shall be equal to those
4 furnished to other school children of the district.

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

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

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

22 (5) The Department of Juvenile Justice shall contract with a public university or
23 nonprofit education entity utilizing all funds generated by the children in state
24 agency programs, except Oakwood and Hazelwood funds, and the funds in the
25 Kentucky Department of Education budget, pursuant to this section, as well as any
26 other educational funds for which all Kentucky children are entitled. The total of
27 these funds shall be utilized to provide educational services through the Kentucky

1 Educational Collaborative for State Agency Children established in KRS 605.110.

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

5 ➔Section 4. KRS 200.505 is amended to read as follows:

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

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

10 (a) Members who shall serve by virtue of their positions: the commissioner of the
11 Department of Education, the commissioner of the Department for Behavioral
12 Health, Developmental and Intellectual Disabilities, the commissioner of the
13 Department for Community Based Services, the commissioner of the
14 Department for Public Health, the commissioner of the Department for
15 Medicaid Services, the commissioner of the Department of Juvenile Justice,
16 the director of the Division of Family Resource and Youth Services Centers,
17 the executive director of the Office for Children with Special Health Care
18 Needs, the executive officer of the Department of Family and Juvenile
19 Services of the Administrative Office of the Courts, the chair of the
20 Subcommittee for Equity and Justice for all Youth of the Juvenile Justice
21 Advisory Board, the executive director of the Kentucky Housing Corporation,
22 the executive director of the Kentucky Office of Vocational Rehabilitation,
23 and the president of the Council on Postsecondary Education, or their
24 designees;

25 (b) The chairperson of the council shall appoint one (1) parent of a child or
26 transition-age youth with a behavioral health need, who is a consumer of
27 services and supports within the system of care to serve as a member of the

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

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

1 appointed. Appointees shall serve a term of two (2) years and may be
2 reappointed to additional two (2) year terms, and the youth member and the
3 youth member's alternate shall be eligible to serve out the remainder of their
4 term of appointment regardless of age. The alternate youth member may
5 attend and participate in all council meetings but shall vote only in the
6 absence of the youth member. The youth member and alternate youth member
7 shall receive no compensation in addition to that which they may already
8 receive as service providers or state employees who are required to attend as
9 part of their duties, but the youth member and alternate youth member shall be
10 reimbursed for expenses incurred through the performance of their duties as
11 council members if it is outside the scope of their job duties;

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

1 and

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

4 (2) The State Interagency Council for Services and Supports to Children and
5 Transition-Age Youth shall:

6 (a) Make recommendations annually to the Governor and the Legislative
7 Research Commission regarding the system of care for children and
8 transition-age youth with or at risk of behavioral health needs;

9 (b) Direct each regional interagency council to *operate as the regional locus of*
10 *accountability for the system of care*[-

11 ~~1. Operate as the regional locus of accountability for the system of care;~~

12 ~~and~~

13 ~~2. Participate in family accountability, intervention, and response teams~~
14 ~~established pursuant to KRS 605.035];~~

15 (c) Assess the effectiveness of regional councils in serving as the locus of
16 accountability for the system of care for children and transition-age youth
17 with or at risk of behavioral health needs;

18 (d) Meet at least monthly and maintain records of meetings; and

19 (e) Develop a comprehensive array of services and supports to meet the needs of
20 children and transition-age youth with or at risk of developing behavioral
21 health needs.

22 (3) Agencies represented on the state council shall adopt interagency agreements as
23 necessary to advance the system of care.

24 (4) The State Interagency Council for Services and Supports to Children and
25 Transition-Age Youth may promulgate administrative regulations necessary to
26 comply with the requirements of KRS 200.501 to 200.509.

27 ➔Section 5. KRS 200.509 is amended to read as follows:

- 1 (1) There are hereby created regional interagency councils for the system of care.
2 These councils shall be formed in each area development district within the
3 Commonwealth of Kentucky, except that those area development districts that
4 contain a county with a population greater than one hundred thousand (100,000)
5 may form up to three (3) such councils. The regional interagency councils shall be
6 chaired by one (1) member, chosen by a majority vote of the members. Each
7 council shall be composed of the following members:
- 8 (a) The children's services director from each regional community mental health
9 center or his or her~~their~~ designee;
 - 10 (b) One (1) court-designated specialist or court-designated worker chosen by the
11 executive officer of the Department of Family and Juvenile Services of the
12 Administrative Office of the Courts;
 - 13 (c) One (1) special education cooperative representative with behavioral health
14 experience chosen by the directors of cooperatives in the area served by the
15 regional council;
 - 16 (d) One (1) parent of a child with a behavioral health need, who is or has been a
17 consumer of system of care services and supports, and one (1) parent who
18 meets the same criteria to serve as the parent member's alternate, who may
19 attend and participate in all council meetings, but shall vote only in the
20 absence of the parent member. For each appointment to be made, the regional
21 interagency council for which the appointment is to be made shall submit to
22 the chair of the State Interagency Council for Services and Supports to
23 Children and Transition-Age Youth a list of two (2) names of parents who are
24 qualified for appointment from which list the chair of the State Interagency
25 Council for Services and Supports to Children and Transition-Age Youth shall
26 make the appointment. Appointees shall serve a term of two (2) years, and
27 may be reappointed to additional two (2) year terms. If the child of the parent

1 member or alternate parent member ceases to be a consumer of system of care
2 services and supports during the term of appointment, the member shall be
3 eligible to serve out the remainder of the term of appointment;

4 (e) One (1) transition-age youth who has a behavioral health disorder and who is
5 receiving or has received a service to address mental health, substance use, or
6 co-occurring mental health and substance use disorder, and one (1) transition-
7 age youth who meets the same criteria to serve as the youth member's
8 alternate in the absence of the youth member. For each appointment to be
9 made, the regional interagency council for which the appointment is to be
10 made shall submit to the chair of the State Interagency Council for Services
11 and Supports to Children and Transition-Age Youth a list of two (2) names of
12 transition-age youth who are qualified for appointment from which list the
13 chair of the State Interagency Council for Services and Supports to Children
14 and Transition-Age Youth shall make the appointment. Appointees shall serve
15 a term of two (2) years, and may be reappointed to additional two (2) year
16 terms. If the youth member or alternate youth member ceases to be a
17 consumer of system of care services and supports during the term of
18 appointment, the member shall be eligible to serve out the remainder of the
19 term of appointment;

20 (f) Any other local public or private agency that provides services and supports to
21 children and transition-age youth with behavioral health needs which the
22 regional interagency council may invite to have a representative become a
23 permanent or temporary member of the council; and

24 (g) One (1) representative from each of the Department of Juvenile Justice,
25 family resource and youth services centers, the Kentucky Office of Vocational
26 Rehabilitation, the Department for Community Based Services, and local
27 health departments.

- 1 (2) ~~A~~~~No~~ member of a regional interagency council for the system of care shall ***not*** be
 2 given compensation in addition to that which they already receive as service
 3 providers or state employees, except that the parent and youth members and
 4 alternate parent and youth members of regional interagency councils shall be
 5 reimbursed by the regional interagency council's contracted fiscal agent for all
 6 expenses incurred through the performance of their duties as council members if it
 7 is outside the scope of their job duties.
- 8 (3) Each regional interagency council for the system of care shall perform the
 9 following functions:
- 10 (a) Conduct regional system of care planning and operations;
 11 (b) Coordinate system-level continuous quality improvement;
 12 (c) Identify and develop system of care expansion opportunities;
 13 (d) Promote awareness of the system of care;
 14 (e) Initiate and adopt interagency agreements as necessary for providing services
 15 and supports to children and transition-age youth with or at risk of behavioral
 16 health needs by the agencies represented in the regional council; ***and***
 17 (f) Advise the state interagency council regarding the system of care within the
 18 region~~;~~ ~~and~~
 19 ~~(g) Participate in family accountability, intervention, and response teams~~
 20 ~~established pursuant to KRS 605.035].~~
- 21 (4) The secretary ***of the Cabinet*** for Health and Family Services and the designee of the
 22 ***Kentucky***~~[State]~~ Department of Education shall ensure that regional interagency
 23 councils for the system of care are formed.
- 24 (5) Local interagency councils for the system of care may be formed at the discretion of
 25 a regional interagency council to advance the functions of the regional interagency
 26 council at the city, county, or other local community level.
- 27 ➔Section 6. KRS 403.727 is amended to read as follows:

- 1 (1) Any petition filed under KRS 403.725 on behalf of a minor who is alleged to be a
2 victim of domestic violence and abuse, or in which a minor is named as a
3 respondent or petitioner, shall comply with the requirements in that section and
4 shall:
- 5 (a) Proceed in accordance with the procedural safeguards under KRS 610.070;
6 and
7 (b) Conform to the confidentiality provisions under KRS 610.340.
- 8 (2) If the court orders an evidentiary hearing under KRS 403.730(1)(a), a guardian ad
9 litem shall be appointed for any unrepresented minor who is a respondent to the
10 action or a petitioner who is an alleged victim of domestic violence and abuse. The
11 guardian ad litem shall be paid a fee fixed by the court not to exceed five hundred
12 dollars (\$500), which shall be paid by the Finance and Administration Cabinet.
- 13 (3) **A victim advocate as defined in KRS 421.570:**
- 14 **(a) Shall be permitted to attend the evidentiary hearing to offer advocacy**
15 **services pursuant to KRS 421.575 to the alleged victim of domestic violence**
16 **and abuse; and**
- 17 **(b) Shall not be excluded from the evidentiary hearing unless:**
- 18 **1. The alleged victim of domestic violence and abuse declines the services**
19 **offered; or**
- 20 **2. The court, upon motion and for good cause shown, determines that**
21 **the exclusion is in the best interest of the alleged victim of domestic**
22 **violence and abuse.**
- 23 **(4)** Violation of the terms or conditions of an order of protection issued under KRS
24 403.740 after the person has been served or given notice of the order shall
25 constitute contempt of court and may constitute a criminal offense pursuant to KRS
26 403.763 if the offender is an adult or a public offense under KRS 600.020~~[(51)]~~ if
27 the offender is a juvenile. Once a juvenile action or contempt proceeding has been

1 initiated, the other shall not be undertaken regardless of the outcome of the original
2 proceeding.

3 ~~(5)~~~~(4)~~ Nothing in subsection ~~(4)~~~~(3)~~ of this section shall preclude the
4 Commonwealth from proceeding, or the petitioner from pursuing charges, against
5 the minor respondent for offenses other than a violation of an order of protection.
6 Proceedings against a minor respondent for offenses other than a violation of an
7 order of protection shall proceed:

- 8 (a) In the juvenile session of District Court; and
9 (b) In accordance with the procedural and statutory provisions established for the
10 juvenile session of District Court.

11 ➔Section 7. KRS 456.035 is amended to read as follows:

12 (1) Any petition filed under KRS 456.030 on behalf of a minor who is an alleged
13 victim of dating violence and abuse, sexual assault, or stalking, or in which a minor
14 is named as a respondent or petitioner, shall comply with the requirements in that
15 section and shall:

- 16 (a) Proceed in accordance with the procedural safeguards under KRS 610.070;
17 and
18 (b) Conform to the confidentiality provisions under KRS 610.340.

19 (2) If the court orders an evidentiary hearing under KRS 456.040(1)(a), a guardian ad
20 litem shall be appointed for any unrepresented minor who is a respondent to the
21 action or a petitioner who is an alleged victim of dating violence and abuse, sexual
22 assault, or stalking. The guardian ad litem shall be paid a fee fixed by the court not
23 to exceed five hundred dollars (\$500), which shall be paid by the Finance and
24 Administration Cabinet.

25 (3) **A victim advocate as defined in KRS 421.570:**

26 **(a) Shall be permitted to attend the evidentiary hearing to offer advocacy**
27 **services pursuant to KRS 421.575 to the alleged victim of dating violence**

- 1 and abuse, stalking, or sexual assault; and
- 2 (b) Shall not be excluded from the evidentiary hearing unless:
- 3 1. The alleged victim of dating violence and abuse, stalking, or sexual
- 4 assault declines the services offered; or
- 5 2. The court, upon motion and for good cause shown, determines that
- 6 the exclusion is in the best interest of the alleged victim of dating
- 7 violence and abuse, stalking, or sexual assault.

8 **(4)** Violation of the terms or conditions of an order of protection issued under KRS
 9 456.060 after the person has been served or given notice of the order shall
 10 constitute contempt of court and may constitute a criminal offense pursuant to KRS
 11 456.180 if the offender is an adult or a public offense under KRS 600.020(51) if the
 12 offender is a juvenile. Once a juvenile action or contempt proceeding has been
 13 initiated, the other shall not be undertaken regardless of the outcome of the original
 14 proceeding.

15 ~~(5)~~~~(4)~~ Nothing in subsection ~~(4)~~~~(3)~~ of this section shall preclude the
 16 Commonwealth from proceeding, or the petitioner from pursuing charges, against
 17 the minor respondent for offenses other than a violation of an order of protection.
 18 Proceedings against a minor respondent for offenses other than a violation of an
 19 order of protection shall proceed:

- 20 (a) In the juvenile session of District Court; and
- 21 (b) In accordance with the procedural and statutory provisions established for the
 22 juvenile session of District Court.

23 ➔Section 8. KRS 530.064 is amended to read as follows:

24 (1) A person eighteen (18) years of age or older, or a minor transferred to Circuit
 25 Court to be proceeded against as a youthful offender pursuant to KRS 640.010, is
 26 guilty of unlawful transaction with a minor in the first degree when he or she
 27 knowingly induces, assists, or causes a minor to engage in:

- 1 (a) Illegal sexual activity;~~[-or]~~
 2 (b) Illegal controlled substances activity other than activity involving marijuana
 3 or salvia, as defined in KRS 218A.010; or
 4 **(c) The commission of a felony offense where any person uses or is in**
 5 **possession of a firearm, whether functional or not, in furtherance of the**
 6 **crime;**

7 except those offenses involving minors in KRS Chapter 531 and in KRS 529.100
 8 where that offense involves commercial sexual activity.

- 9 (2) Unlawful transaction with a minor in the first degree is a:
 10 (a) Class C felony if the minor so used is less than eighteen (18) years old at the
 11 time the minor engages in the prohibited activity;
 12 (b) Class B felony if:
 13 **1.** The minor so used is less than sixteen (16) years old at the time the
 14 minor engages in the prohibited activity; or
 15 **2. In the commission of a felony offense, any person utilizes a firearm,**
 16 **whether functional or not, in furtherance of the crime;** and
 17 (c) Class A felony if:
 18 **1.** The minor so used incurs physical injury **resulting from the prohibited**
 19 **activities described in subsection (1)(a) or (b) of this section; or**
 20 **2. Any person incurs serious physical injury or death resulting from the**
 21 **prohibited activity described in subsection (1)(c) of this**
 22 **section**~~[thereby].~~

23 ➔Section 9. KRS 530.065 is amended to read as follows:

- 24 (1) A person **eighteen (18) years of age or older, or a minor transferred to Circuit**
 25 **Court to be proceeded against as a youthful offender pursuant to KRS 640.010,** is
 26 guilty of unlawful transaction with a minor in the second degree when he or she
 27 knowingly induces, assists, or causes a minor to engage in illegal controlled

1 substances activity involving marijuana, illegal gambling activity, or any other
2 criminal activity constituting a felony.

3 (2) Unlawful transaction with a minor in the second degree is a Class D felony.

4 ➔Section 10. KRS 530.070 is amended to read as follows:

5 (1) A person **eighteen (18) years of age or older, or a minor transferred to Circuit**
6 **Court to be proceeded against as a youthful offender pursuant to KRS 640.010,** is
7 guilty of unlawful transaction with a minor in the third degree when:

8 (a) Acting other than as a retail licensee, he **or she** knowingly sells, gives,
9 purchases or procures any alcoholic or malt beverage in any form to or for a
10 minor. The defendant may prove in exculpation that the sale was induced by
11 the use of false, fraudulent, or altered identification papers or other documents
12 and that the appearance and character of the purchaser were such that his **or**
13 **her** age could not have been ascertained by any other means and that the
14 purchaser's appearance and character indicated strongly that he **or she** was of
15 legal age to purchase alcoholic beverages. This subsection does not apply to a
16 parent or guardian of the minor;

17 (b) He **or she** knowingly induces, assists, or causes a minor to engage in any
18 other criminal activity;

19 (c) He **or she** knowingly induces, assists or causes a minor to become a habitual
20 truant; or

21 (d) He **or she** persistently and knowingly induces, assists or causes a minor to
22 disobey his **or her** parent or guardian.

23 (2) Unlawful transaction with a minor in the third degree is a Class A misdemeanor.

24 ➔Section 11. KRS 605.030 is amended to read as follows:

25 (1) A court-designated worker may:

26 (a) Receive complaints;

27 (b) Review complaints taken by peace officers;

- 1 (c) Investigate complaints except neglect, abuse, and dependency;
- 2 (d) Perform an initial screening for human trafficking as defined in KRS 529.010
3 for referral to the cabinet for investigation as a case of dependency, neglect, or
4 abuse;
- 5 (e) Dispose of complaints limited to a total of three (3) status or nonfelony public
6 offense complaints per child and, with written approval of the county
7 attorney, one (1) felony complaint that does not involve the commission of a
8 sexual offense or the use of a deadly weapon;
- 9 (f) Administer oaths;
- 10 (g) Issue summonses;
- 11 (h) Issue subpoenas;
- 12 (i) Make advisory dispositional recommendations and provide, within forty-eight
13 (48) hours, exclusive of weekends and holidays, information concerning a
14 child who has chosen to waive the investigation pursuant to KRS 610.100;
- 15 (j) Perform such duties as required by KRS Chapter 645;
- 16 (k) Administer evidence-based screenings and assessments to identify the risk
17 and needs of a child and his or her family;
- 18 (l) Enter into diversion agreements, including referral to programs or service
19 providers, providing case management and service coordination, assisting
20 with barriers to completion, and monitoring progress;
- 21 (m) Impose graduated sanctions, from least restrictive to most restrictive, in
22 response to violations of the terms of a diversion agreement;
- 23 (n) Gather information necessary to track and record outcomes of all diversion
24 agreement recommendations and final diversion disposition;
- 25 (o) Collaborate and cooperate with the ~~family accountability, intervention, and~~
26 ~~response team,~~ director of pupil personnel, as appropriate, and service
27 providers to ensure all appropriate interventions are utilized;

- 1 (p) Report annually to his or her local public school districts and to the
 2 Administrative Office of the Courts an inventory of all programs and service
 3 providers within the judicial district they serve;
- 4 (q) Request from the schools a student's education records pursuant to KRS
 5 17.125; and
- 6 (r) Perform such other functions related to activities of children as may be
 7 authorized or directed by the court.
- 8 (2) Upon the filing of a petition which initiates a formal court action in the interest of
 9 the child, the court-designated worker's involvement, with the exception of the
 10 activities defined in subsection (1)(i) of this section, shall cease.
- 11 (3) When a child is to be tried as an adult, the court-designated worker need not make
 12 dispositional recommendations.
- 13 ➔Section 12. KRS 605.130 is amended to read as follows:
- 14 In addition to the other duties, functions, and responsibilities imposed by law, the cabinet,
 15 through its authorized representatives, shall have general supervision and management of
 16 all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:
- 17 (1) Locate and plan for all children who are dependent, neglected, or abused;
- 18 (2) Cooperate with and assist the courts of the various counties;
- 19 (3) Assist Circuit Courts through services to children whenever requested by the court.
 20 The cabinet may charge a reasonable fee for such services to be taxed as costs by
 21 the court;
- 22 (4) ~~Assess all referrals received from a court designated worker, pursuant to direction~~
 23 ~~from the family accountability, intervention, and response team, to determine~~
 24 ~~whether a basis exists to file a dependency, neglect, or abuse petition;~~
- 25 (5) ~~Track and report to the oversight council created in KRS 15A.063 the number of~~
 26 ~~referrals received, the number of investigations made upon those referrals, and the~~
 27 ~~number and type of petitions filed in response;~~

1 ~~(5)~~~~(6)~~ Identify all youth who have status offense charges and are committed or
2 probated to the cabinet and report the number of committed and probated youth to
3 the oversight council created in KRS 15A.063; and

4 ~~(6)~~~~(7)~~ Perform such other services as may be deemed necessary for the protection of
5 children.

6 ➔Section 13. KRS 610.030 is amended to read as follows:

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

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

18 (2) (a) Upon receipt of a complaint which appears to be complete and which alleges
19 that a child has committed a public offense, the court-designated worker shall
20 refer the complaint to the county attorney for review pursuant to KRS
21 635.010.

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

27 (3) Upon receipt of a complaint that appears to be complete and that alleges that the

- 1 child has committed a status offense, the court-designated worker shall conduct a
2 preliminary intake inquiry to recommend~~[determine]~~ whether the interests of the
3 child or the public require that further action be taken;
- 4 (4) Prior to conducting a preliminary intake inquiry, the court-designated worker shall
5 notify the child and the child's parent, guardian, or other person exercising custodial
6 control or supervision of the child in writing:
- 7 (a) Of their opportunity to be present at the preliminary intake inquiry;
- 8 (b) That they may have counsel present during the preliminary intake inquiry as
9 well as the formal conference thereafter;
- 10 (c) 1. That all information supplied by the child to a court-designated worker
11 during any process prior to the filing of the petition shall be deemed
12 confidential and shall not be subject to subpoena or to disclosure
13 without the written consent of the child.
- 14 2. Information may be shared between treatment providers and~~[,]~~ the
15 court-designated worker~~[, and the family accountability, intervention,~~
16 ~~and response team]~~ to enable the court-designated worker to facilitate
17 services and facilitate compliance with the diversion agreement; and
- 18 (d) That the child has the right to deny the allegation and demand a formal court
19 hearing;
- 20 (5) The preliminary intake inquiry shall include the administration of an evidence-
21 based screening tool and, if appropriate and available, a validated risk and needs
22 assessment, in order to identify whether the child and his or her family are in need
23 of services and the level of intervention needed;
- 24 (6) (a) Upon the completion of the preliminary intake inquiry for a minor who is
25 alleged to be a status offender under KRS 630.020(3) and is alleged to have
26 been absent without excuse for fifteen (15) or more days during a school year,
27 the court-designated worker shall refer the complaint to the county attorney.

1 The county attorney shall then refer the complaint:

- 2 1. For formal court action; or
- 3 2. To be handled under subsection (8) of this section.

4 (b) Upon the completion of the preliminary intake inquiry for *a minor who is*
 5 *alleged to be a status offender under KRS 630.020(1), (2), or (4), the court-*
 6 *designated worker shall refer the complaint to the county attorney. The*
 7 *county attorney:*

8 *1. Shall:*

9 *a. Refer the complaint for formal court action; or*

10 *b. Refer the complaint to be handled under subsection (8) of this*
11 *section; or*

12 *2. May in agreement with the court-designated worker, determine that no*
13 *further action be taken.*

14 (c) *Upon the completion of the preliminary intake inquiry for a complaint that*
 15 *alleges a public offense, the court-designated worker shall refer the*
 16 *complaint to the county attorney with a recommendation in accordance with*
 17 *subsection (2)(b) of this section. The county attorney:*

18 *1. Shall:*

19 *a. Refer the complaint for formal court action; or*

20 *b. Refer the complaint to be handled under subsection (8) of this*
21 *section; or*

22 *2. May, at any time refer a public offense complaint for informal*
23 *adjustment*~~[all other allegations, the court-designated worker may:~~

24 ~~1. If the complaint alleges a status offense, determine that no further action~~
 25 ~~be taken subject to review by the family accountability, intervention,~~
 26 ~~and response team;~~

27 ~~2. If the complaint alleges a public offense, refer the complaint to the~~

1 county attorney;

2 ~~3. Refer a public offense complaint for informal adjustment; or~~

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

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

12 ~~(a) of the recommendation and the reasons therefor and that the complainant,~~
 13 ~~victim, or law enforcement agency may submit within ten (10) days from~~
 14 ~~receipt of such notice a complaint to the county attorney for special review];~~

15 ~~or~~

16 ~~(b) In the case of a misdemeanor diverted pursuant to KRS 635.010(4), of the fact~~
 17 ~~that the child was statutorily entitled to divert the case];~~

18 (8) A formal conference shall include the child and his or her parent, guardian, or other
 19 person exercising custodial control or supervision. The formal conference shall be
 20 used to:

21 (a) Present information obtained at the preliminary intake inquiry; and

22 (b) 1. Develop a diversion agreement that shall:

23 a. i. Require that the child regularly attend school **and comply**
 24 **with school rules;**

25 **ii. Require that the child have no other violation of law, as**
 26 **evidenced by the filing of a new complaint or petition;** and

27 **iii. [ii.]** For a child against whom a complaint alleging truancy

1 has been filed, require that if the child is absent from school
2 without excuse for four (4) days during a diversion
3 agreement, the child shall immediately be considered to have
4 failed to complete the diversion agreement and subsection
5 (9)(b)3. of this section shall immediately apply; and

- 6 b. Not exceed twelve (12) months in duration, and may include:
- 7 i. Referral of the child, and family if appropriate, to a public or
8 private entity or person for the provision of identified
9 services to address the complaint or assessed needs;
- 10 ii. Referral of the child, and family if appropriate, to a
11 community service program within the limitations provided
12 under KRS 635.080(2);
- 13 iii. Restitution, limited to the actual pecuniary loss suffered by
14 the victim, if the child has the means or ability to make
15 restitution;
- 16 iv. Notification that the court-designated worker may apply
17 graduated sanctions for failure to comply with the diversion
18 agreement;
- 19 v. Any other program or effort which reasonably benefits the
20 community and the child; and
- 21 vi. A plan for monitoring the child's progress and completion of
22 the agreement.

23 2. Prior to developing the diversion agreement, the court-designated
24 worker or court-designated specialist shall:

- 25 a. Contact the school district that the child attends to obtain
26 background information from school personnel regarding family
27 background, education records, any services previously provided,

1 and any recommended trauma informed strategies; and
 2 b. Include recommendations of the county attorney, if any, in the
 3 diversion agreement.

4 3. Upon developing a diversion agreement, the court-designated specialist
 5 shall make all details of the agreement accessible to:

6 a. The county attorney;

7 b. The superintendent and the director of pupil personnel of the
 8 public school district in which the child is enrolled, or the
 9 principal of any private elementary or secondary school which
 10 the child attends;

11 c. The school resource officer or any other contract employee hired
 12 to provide security services for the school where the child is
 13 enrolled; and

14 d. Upon request, any law enforcement officer~~[all members of the~~
 15 ~~family, accountability, intervention, and response team through an~~
 16 ~~electronic platform provided by the Administrative Office of the~~
 17 ~~Courts];~~

18 (9) (a) If a child successfully completes a diversion agreement, the underlying
 19 complaint shall be dismissed and further action related to that complaint shall
 20 be prohibited.

21 (b) If a child fails to appear for a preliminary intake inquiry, declines to enter into
 22 a diversion agreement, or fails to complete a diversion agreement, then:

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

27 2. For a status offense complaint, except as provided for in subparagraph 3.

1 of this paragraph, the court-designated worker shall refer the matter to
2 the county attorney for further action and, if a petition is filed, the
3 child may request that the court dismiss the complaint based upon his
4 or her substantial compliance with the terms of the diversion~~[family~~
5 ~~accountability, intervention, and response team for review and further~~
6 ~~action]; and~~

7 3. For a status offense complaint alleging truancy for which the child failed
8 diversion in accordance with subsection (8)(b)1.a.iii.~~[1.a.ii.]~~ of this
9 section, the matter shall immediately be referred to the county attorney
10 for formal court action.

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

21 ~~(d)~~—If a child fails to appear for a preliminary intake inquiry or fails to complete a
22 diversion agreement due to lack of parental cooperation, the court-designated
23 worker shall make a determination that the child failed to complete the
24 diversion due to lack of parent cooperation;

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

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

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

9 **(13) A superintendent of a public school district may designate an employee of the**
 10 **school district to receive notices under this section. The superintendent shall**
 11 **provide the clerk and the court-designated worker with notice of any designation**
 12 **and the name and contact information for the superintendent's designee.**

13 ➔Section 14. KRS 610.070 is amended to read as follows:

14 (1) All cases involving children brought before the court whose cases are under the
 15 jurisdiction of the court shall be granted a speedy hearing and shall be dealt with by
 16 the court without a jury.

17 (2) The hearings shall be conducted in a formal manner, unless specified to the contrary
 18 by other provisions of KRS Chapters 600 to 645.

19 (3) **Except as provided in subsection (6) of this section,** the general public shall be
 20 excluded and only the **following persons shall be admitted to any hearing held**
 21 **under subsection (1) of this section:**

22 **(a)** Immediate families or guardians of the parties before the court;~~;~~

23 **(b)** Witnesses necessary for the prosecution and defense of the case;~~;~~

24 **(c)** The probation worker with direct interest in the case;~~;~~

25 **(d)** A representative from the Department of Juvenile Justice;~~;~~

26 **(e)** The victim;~~;~~

27 **(f)** **The victim's** ~~his or her~~ parent or legal guardian, or if emancipated, **the**

1 victim's~~[his or her]~~ spouse, or a legal representative of either;~~[-, such]~~

2 **(g) A victim advocate as defined in KRS 421.570;**

3 **(h) Other** persons ~~that~~~~[admitted as]~~ the judge finds~~[shall find]~~ have a direct
4 interest in the case or in the work of the court;~~[-,]~~ and~~[- such]~~

5 **(i)** Other persons as agreed to by the child and his or her attorney~~[- may be~~
6 ~~admitted to the hearing]~~.

7 **(4) If** a parent, legal guardian, **person exercising custodial control of the child,** or
8 spouse ~~is~~~~[if]~~ a witness, **he or she** shall be admitted to the hearing only during and
9 after his or her testimony at the hearing, and witnesses shall be admitted to the
10 hearing only for the duration of their testimony.

11 **(5)** The court may order the exclusion of a parent, legal guardian, **person exercising**
12 **custodial control of the child,** or spouse, if it is shown to the satisfaction of the
13 court that the parent, legal guardian, **person exercising custodial control of the**
14 **child,** or spouse may physically disrupt the proceedings or may do violence to any
15 participant therein. The mere presence of a parent, legal guardian, **person**
16 **exercising custodial control of the child,** or spouse shall not be deemed to be a
17 disruption of the proceedings merely because their presence may make the
18 defendant uncomfortable; the court shall find a potential for actual physical
19 disruption of the proceedings before an exclusion may be granted for this reason.

20 **(6) The court may order a dispositional hearing under Section 22 of this Act or a**
21 **sentencing hearing under KRS 640.030 open to the general public upon motion**
22 **of a party or upon its own motion that it is in the best interest of the public and**
23 **the child to open the hearing or any part of the hearing. This subsection shall**
24 **only apply to a case in which a child has been convicted of, pled guilty to, or been**
25 **adjudicated to have committed an offense that would classify the child as a**
26 **violent offender under KRS 439.3401.**

27 **(7) Any motion to open a hearing under subsection (6) of this section shall be**

1 brought no later than ten (10) days after the adjudication hearing. The party
2 seeking an open hearing shall have the burden of proof.

3 (8) In determining whether opening a hearing to the general public is in the best
4 interest of the public and the child, the court shall consider all relevant
5 circumstances of the case, including but not limited to:

6 (a) The nature of the allegations;

7 (b) The age and maturity level of the child;

8 (c) The benefit to the child and public of maintaining confidentiality;

9 (d) The benefit to the public of an open hearing;

10 (e) The effect of confidentiality on the fact-finding process;

11 (f) The wishes of the victims and the parent, legal guardian, or person
12 exercising custodial control of the victim; and

13 (g) Whether reasonable alternatives to closure are available.

14 (9) The court shall make written findings of fact and conclusions of law to support
15 an order under subsection (8) of this section.

16 (10) A party aggrieved by an order opening a hearing under subsection (8) of this
17 section shall have the right to:

18 (a) An interlocutory expedited appeal; and

19 (b) A stay of proceedings in the lower court.

20 (11) Unless otherwise authorized by law, a court conducting a hearing under this
21 section shall not:

22 (a) Release any record discussed at any open proceeding prior to, at, or after
23 the proceeding which is made confidential pursuant to law;

24 (b) Permit audio, visual, or other recording of the proceeding by any person
25 who is attending the proceeding, a party to the proceeding, or testifying at
26 the proceeding;

27 (c) Permit any audio, visual, or other recording of the proceedings for official

1 court purposes to be made a public record, copied, or released to the public;

2 or

3 (d) Permit any member of the public attending the proceeding, who is not a
 4 party to the proceeding, and who is not testifying at the proceeding, to
 5 disclose the name or personal identifying information of any person who is
 6 a party to a proceeding of testifying at a proceeding, outside of the
 7 courtroom.

8 (12) The Supreme Court may establish by rule a procedure to require each member of
 9 the public attending a hearing not to disclose the name or personal identifying
 10 information regarding any person who is a party to the proceeding, or person
 11 testifying at the proceeding.

12 (13) A person may take written notes during a hearing, and remove them from the
 13 courtroom following the hearing, provided that no name or personal identifying
 14 information of any child who is a party to the proceeding or testifying at the
 15 proceeding shall be taken from the courtroom. This subsection is not intended to
 16 apply to, and shall not limit the use or publication of, any information obtained
 17 by means other than attendance at a proceeding authorized by this section.

18 (14)~~(4)~~ The court shall order at least one (1) parent, guardian, or person exercising
 19 custodial control over the child to be present at any hearing or other proceeding
 20 involving the child. The court shall make accommodations necessary to allow the
 21 person to attend, including but not limited to allowing remote attendance or holding
 22 hearings outside the court's normal operating hours.

23 ➔Section 15. KRS 610.071 is amended to read as follows:

24 (1) At any hearing or other proceeding under KRS Chapters 630 to 645, at least one (1)
 25 parent, guardian, or person exercising custodial control of the child ordered by
 26 the court pursuant to subsection (14) of Section 14 of this Act~~[KRS 610.070(4)]~~ to
 27 attend hearings or proceedings involving the child shall be present. The court shall

1 make reasonable accommodations to allow the parent, guardian, or person
2 exercising custodial control of the child to attend.

3 (2) A parent, legal guardian, person exercising custodial control of the child, or
4 spouse who has been excluded from a hearing pursuant to subsection (5) of Section
5 14 of this Act~~[KRS 610.070(3)]~~ and has not subsequently been ordered by the court
6 to be present at future proceedings shall not be charged under this section.

7 (3) If a violation of subsection (1) of this section occurs, any parent, guardian, or other
8 person exercising custodial control of the child who was ordered pursuant to
9 subsection (14) of Section 14 of this Act~~[KRS 610.070(4)]~~ to attend hearings or
10 proceedings involving the child shall be fined not more than five hundred dollars
11 (\$500) or ordered to participate in up to forty (40) hours of community service.

12 ➔Section 16. KRS 610.105 is amended to read as follows:

13 (1) Upon the court's motion or the motion of any party, following notice to the county
14 attorney, an informal adjustment may be made at any time during the proceedings
15 and with the victim and with those persons specified in subsection (3) of Section 14
16 of this Act~~[KRS 610.070]~~ having prior notification of the motion.

17 (2) An informal adjustment does not require adjudication of the case. If an adjudication
18 has occurred, the court shall dismiss the case following successful completion under
19 subsection (3) of this section.

20 (3) If the court orders an informal adjustment, the order may include any of the
21 following:

22 (a) Referral of the case to diversion, but, if the child does not successfully
23 complete the terms of the diversion, the case shall not be dismissed as a result
24 of the diversion but shall be returned to court; or

25 (b) Placement of the child on community supervision or monitoring by the court
26 under the informal adjustment with additional conditions as determined
27 appropriate by the court for a period not to exceed six (6) months.

1 ➔Section 17. KRS 610.110 is amended to read as follows:

- 2 (1) The disposition shall determine the action to be taken by the court on behalf of, and
3 in the best interest of, the child under the provisions of KRS Chapter 630 or 635.
- 4 (2) At the disposition, all information helpful in making a proper disposition, including
5 oral and written reports and the results of a validated risk and needs assessment,
6 shall be received by the court in compliance with subsection (1) of this section and
7 relied upon to the extent of their probative value, provided that the parties or ***the***
8 ***parties*** ~~[their]~~ counsel shall be afforded an opportunity to examine and controvert
9 the reports.
- 10 (3) The court ~~[shall,]~~ and the Department of Juvenile Justice ***shall*** ~~[may upon request,]~~
11 notify the law enforcement agency of the child's city, county, ~~[or]~~ urban-county,
12 ***consolidated local government, unified local government, or charter county***
13 ***gouvernement*** of residence as appropriate and the law enforcement agencies where
14 any offense was committed of the disposition of each case and of each child
15 committed by the court who is placed in a residential treatment facility by the
16 Department of Juvenile Justice or the cabinet.
- 17 (4) If any court commits a child to the Department of Juvenile Justice or the cabinet, a
18 child-caring facility, or child-placing agency, the court shall cause to be transmitted
19 to the Department of Juvenile Justice or the cabinet, facility, or agency, as
20 appropriate, a certified copy of the commitment order, together with a summary of
21 the court's information concerning the child. A certified copy of the court order
22 shall be proof of the authority of the Department of Juvenile Justice or the cabinet,
23 facility, or agency to hold the child. ***The*** ~~[Such]~~ certified order shall be sufficient
24 authority for any law enforcement officer to take into custody any person named ***in***
25 ***the order*** ~~[therein]~~ and deliver him or her to ~~[such]~~ a place as shall be directed by
26 the Department of Juvenile Justice or the cabinet, facility, or agency given custody
27 of him or her in the order.

1 (5) In placing a child on probation in a home or boarding home, or in committing a
2 child to a child-caring facility or child-placing agency, the court shall as far as
3 practicable select a home, facility, or agency operated or governed by persons of a
4 similar religious faith as the parents of the child.

5 (6) Upon motion of the child and agreement of the Department of Juvenile Justice or
6 the cabinet, as appropriate, the court may authorize an extension of commitment up
7 to age twenty-one (21) for the purpose of permitting the Department of Juvenile
8 Justice or the cabinet, as appropriate, to assist the child in establishing independent
9 living arrangements if a return to the child's home is not in his or her best interest.

10 ➔Section 18. KRS 610.340 is amended to read as follows:

11 (1) (a) Unless a specific provision of KRS Chapters 600 to 645 specifies otherwise,
12 all juvenile court records of any nature generated pursuant to KRS Chapters
13 600 to 645 by any agency or instrumentality, public or private, shall be
14 deemed to be confidential and shall not be disclosed except to the child,
15 parent, victims, or other persons authorized to attend a juvenile court hearing
16 pursuant to subsection (3) of Section 14 of this Act~~[KRS 610.070]~~ unless
17 ordered by the court for good cause.

18 (b) Juvenile court records which contain information pertaining to arrests,
19 petitions, adjudications, and dispositions of a child may be disclosed to
20 victims or other persons authorized to attend a juvenile court hearing pursuant
21 to subsection (3) of Section 14 of this Act~~[KRS 610.070]~~.

22 (c) Release of the child's treatment, medical, mental, or psychological records is
23 prohibited unless presented as evidence in Circuit Court. Any records
24 resulting from the child's prior abuse and neglect under Title IV-E or Title IV-
25 B of the Federal Social Security Act shall not be disclosed to victims or other
26 persons authorized to attend a juvenile court hearing pursuant to subsection
27 (3) of Section 14 of this Act~~[KRS 610.070]~~.

- 1 (d) Victim access under this subsection to juvenile court records shall include
2 access to records of adjudications that occurred prior to July 15, 1998.
- 3 (2) ~~{The provisions of }~~This section shall not apply to public officers or employees
4 engaged in the investigation of and in the prosecution of cases under KRS Chapters
5 600 to 645 or other portions of the Kentucky Revised Statutes. Any record obtained
6 pursuant to this subsection shall be used for official use only, shall not be disclosed
7 publicly, and shall be exempt from disclosure under the Open Records Act, KRS
8 61.870 to 61.884.
- 9 (3) ~~{The provisions of }~~This section shall not apply to any peace officer, as defined in
10 KRS 446.010, who is engaged in the investigation or prosecution of cases under
11 KRS Chapters 600 to 645 or other portions of the Kentucky Revised Statutes. Any
12 record obtained pursuant to this subsection shall be ~~used~~ for official use only,
13 shall not be disclosed publicly, and shall be exempt from disclosure under the Open
14 Records Act, KRS 61.870 to 61.884. **In accordance with this subsection, the**
15 **Administrative Office of the Courts shall permit a peace officer as defined in KRS**
16 **446.010 access to juvenile and family court records generated under KRS**
17 **Chapters 600 to 645. A peace officer under this subsection shall only access**
18 **records necessary to carry out his or her lawfully authorized duties.**
- 19 (4) ~~{The provisions of }~~This section shall not apply to employees of the Department of
20 Juvenile Justice or cabinet or its designees responsible for any services under KRS
21 Chapters 600 to 645 or to attorneys for parties involved in actions relating to KRS
22 Chapters 600 to 645 or other prosecutions authorized by the Kentucky Revised
23 Statutes.
- 24 (5) ~~{The provisions of }~~This section shall not apply to records disclosed pursuant to
25 KRS 610.320 or to public or private elementary and secondary school
26 administrative, transportation, and counseling personnel, to any teacher or school
27 employee with whom the student may come in contact, or to persons entitled to

1 have juvenile records under KRS 610.345, if the possession and use of the records
2 is in compliance with the provisions of KRS 610.345 and this section.

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

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

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

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

24 (8) ~~[(No)]~~ person, including school personnel, shall ***not*** disclose any confidential record
25 or any information contained therein except as permitted by this section or other
26 specific section of KRS Chapters 600 to 645, or except as permitted by specific
27 order of the court.

- 1 (9) ~~A~~~~No~~ person, including school personnel, authorized to obtain records pursuant to
2 KRS Chapters 600 to 645 shall **not** obtain or attempt to obtain confidential records
3 to which he or she is not entitled or for purposes for which he or she is not
4 permitted to obtain them pursuant to KRS Chapters 600 to 645.
- 5 (10) ~~A~~~~No~~ person, including school personnel, not authorized to obtain records pursuant
6 to KRS Chapters 600 to 645 shall **not** obtain or attempt to obtain records which are
7 made confidential pursuant to KRS Chapters 600 to 645 except upon proper motion
8 to a court of competent jurisdiction.
- 9 (11) ~~A~~~~No~~ person shall **not** destroy or attempt to destroy any record required to be kept
10 pursuant to KRS Chapters 600 to 645 unless the destruction is permitted pursuant to
11 KRS Chapters 600 to 645 and is authorized by the court upon proper motion and
12 good cause for the destruction being shown.
- 13 (12) As used in this section the term "KRS Chapters 600 to 645" includes any
14 administrative regulations which are lawfully promulgated pursuant to KRS
15 Chapters 600 to 645.
- 16 (13) ~~Nothing in~~ This section shall **not** be construed to prohibit a crime victim from
17 speaking publicly after the adjudication about his or her case on matters within his
18 or her knowledge or on matters disclosed to the victim during any aspect of a
19 juvenile court proceeding.
- 20 ➔Section 19. KRS 610.345 is amended to read as follows:
- 21 (1) When a child is adjudicated guilty of an offense which classifies him or her as a
22 youthful offender, the judge in the court in which the matter was tried shall direct
23 the clerk to notify the superintendent **and the director of pupil personnel** of the
24 public school district in which the child is enrolled, or the principal of any private
25 elementary or secondary school which the child attends, of the adjudication and the
26 petition and disposition of the case.
- 27 (2) When a child is adjudicated guilty of an offense which would classify him or her as

1 a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A,
 2 508, 510, or 527 if committed by an adult, but which would not classify him or her
 3 as a youthful offender, the judge in the court in which the matter was tried shall
 4 direct the clerk to notify the superintendent and the director of pupil personnel of
 5 the public school district in which the child is enrolled, or the principal of any
 6 private elementary or secondary school which the child attends, of the charge, the
 7 adjudication, and the disposition of the case.

8 (3) When a child is the respondent or petitioner for a domestic violence order issued
 9 under KRS 403.740, or an interpersonal protective order issued under KRS
 10 456.060, the judge in the court in which the matter was tried shall direct the clerk
 11 to notify:

12 (a) The superintendent and director of pupil personnel of the public school
 13 district in which the child is enrolled, or the principal of any private
 14 elementary or secondary school which the child attends; and

15 (b) The school resource officer or any other contract employee hired to provide
 16 security services for the school.

17 (4) When a court-designated worker receives notice that a county attorney has made a
 18 determination pursuant to KRS 635.010(1) that probable cause exists to file a public
 19 offense petition alleging that the child committed an offense that, if committed by
 20 an adult, would be a:

21 (a) Felony; or

22 (b) Misdemeanor involving:

- 23 1. A controlled substance;
- 24 2. The possession, carrying, or use of a deadly weapon;
- 25 3. Physical injury to another person;
- 26 4. Sexual contact;
- 27 5. Sexual intercourse; or

1 6. Deviate sexual intercourse;
2 the court-designated worker shall notify the superintendent **and the director of**
3 **pupil personnel** of the public school district in which the child is enrolled, or the
4 principal of any private elementary or secondary school which the child attends, of
5 the charge. If the complaint is successfully diverted, the court-designated worker
6 shall notify the superintendent **and the director of pupil personnel**, or the principal
7 of the successful diversion, and all records of the incident or notification created in
8 the school district or the school under this subsection shall be destroyed and shall
9 not be included in the child's school records.

10 ~~(5)~~~~(4)~~ When a child is adjudicated guilty of an offense that meets the criteria set
11 forth in subsection ~~(4)~~~~(3)~~(a) or (b) of this section, the judge in the court in which
12 the matter is considered shall direct the clerk to notify the superintendent **and the**
13 **director of pupil personnel** of the public school district in which the child is
14 enrolled, or the principal of any private elementary or secondary school that the
15 child attends, of the charge, the adjudication, and the disposition of the case. If the
16 petition is dismissed or informally adjusted, the clerk shall notify the superintendent
17 **and the director of pupil personnel**, or the principal of the disposition, and all
18 records of the incident or notification created in the school district or the school
19 under this subsection shall be destroyed and shall not be included in the child's
20 school records.

21 ~~(6)~~~~(5)~~ The notifications required in subsections (1) to ~~(5)~~~~(4)~~ of this section shall be
22 made within twenty-four (24) hours of the county attorney's determination pursuant
23 to KRS 635.010(1), successful completion of diversion, or entry of the court order.
24 The name of the complainant shall be deleted. The county attorney may, upon
25 request by the school district or the school, provide a statement of the facts in the
26 case, not to include the complainant's name.

27 ~~(7)~~~~(6)~~ Notice to a district superintendent referenced in subsections (1) to ~~(5)~~~~(4)~~ of

1 this section shall be released by the superintendent to the principal of the school in
2 which the child is enrolled. A principal of a public or private school receiving
3 notice shall release the information to **any school resource officer or** employees of
4 the school having responsibility for classroom instruction or counseling of the child,
5 and may release it to other school personnel as described in subsection ~~(8)~~(7) of
6 this section, but the information shall otherwise be confidential and shall not be
7 shared by school personnel with any other person or agency except as may
8 otherwise be required by law. ~~The notification in writing of the nature of the~~
9 ~~offense committed by the child and any probation requirements shall not become a~~
10 ~~part of the child's student record.~~

11 ~~(8)~~(7) Records or information disclosed pursuant to this section shall be limited to
12 records of that student's criminal petition and the disposition **of the petition**~~[thereof]~~
13 covered by this section, shall be subject to the provisions of KRS 610.320 and
14 610.340, and shall not be disclosed to any other person, including school personnel,
15 except to a district superintendent, **director of pupil personnel**, public or private
16 elementary and secondary school administrative, transportation, and counseling
17 personnel, and to any **school resource officer**, teacher, or school employee with
18 whom the student may come in contact. This section shall not authorize the
19 disclosure of any other juvenile record or information relating to the child.

20 ~~(9)~~(8) The Department of Juvenile Justice shall provide a child's offense history
21 information pursuant to this section to the superintendent **and director of pupil**
22 **personnel** of the local school district in which the child, who is committed to the
23 department, is placed.

24 ~~(10)~~(9) Records or information received by the school pursuant to this section shall:
25 (a) Be kept in a locked file, when not in use, to be opened only on permission of
26 the administrator **or any school resource officer**; and
27 (b) For the purposes of destruction required in this section, not include education

1 records, as defined in KRS 160.700, created by the school.

2 ~~(11)~~~~(10)~~ A superintendent and a director of pupil personnel of a public school district
3 may designate an employee of the school district to receive notices and carry out
4 the superintendent's and director of pupil personnel's responsibilities under this
5 section. The superintendent or the director shall provide the clerk and the court-
6 designated worker with notice of any designation and the name and contact
7 information for the superintendent's or director's designee.

8 ➔Section 20. KRS 635.010 is amended to read as follows:

9 (1) The county attorney shall cause a review to be made of each complaint alleging that
10 a public offense has been committed. The purpose of this review shall be to
11 determine from the available evidence whether there are reasonable grounds to
12 believe that the alleged facts would constitute a public offense. The county attorney
13 may elect not to proceed with the complaint, regardless of whether reasonable
14 grounds exist, and dismiss the complaint.

15 (2) The county attorney, upon receipt of a request for special review, shall consider the
16 facts presented by the complainant and by the court-designated worker who made
17 the recommendation that no petition be filed, before the county attorney makes a
18 final decision as to whether a public offense petition shall or shall not be filed.

19 (3) In all cases in which the child is alleged to have committed a public offense and is
20 not detained, the court-designated worker shall submit his or her written
21 recommendation to the county attorney or designee within twenty (20) days,
22 exclusive of weekends and holidays, from the date the child was taken into custody
23 or the complaint was filed. In cases where the child is detained, the court-
24 designated worker's report shall be submitted within seventy-two (72) hours of the
25 time the child is ordered detained.

26 (4) ~~[(The county attorney may not file a petition if the complaint is a misdemeanor and~~
27 ~~the child who is the subject of the diversion agreement has no prior adjudications~~

1 ~~and no prior diversions.~~

2 (5) ~~—~~If a public offense petition is filed, it shall be verified by information and belief
3 and contain the information listed in KRS 610.020.

4 ➔Section 21. KRS 635.020 is amended to read as follows:

5 (1) If, prior to an adjudicatory hearing, there is a reasonable cause to believe that a
6 defendant~~[child]~~ before the court has committed a felony other than those described
7 in subsections (2) and (3) of this section, a misdemeanor, or a violation, the court
8 shall initially proceed in accordance with the provisions of this chapter.

9 (2) (a) Any other provision of KRS Chapter 600 to 645 notwithstanding, if a
10 defendant~~[child]~~ charged with an offense which would classify the
11 defendant as a violent offender as defined in KRS 439.3401, or a capital
12 offense, Class A felony, or Class B felony, had attained age fourteen (14) at
13 the time of the alleged commission of the offense, the court shall, upon
14 motion of the county attorney made prior to adjudication, and after the county
15 attorney has consulted with the Commonwealth's attorney, that the
16 defendant~~[child]~~ be proceeded against as a youthful offender, proceed in
17 accordance with paragraph (b) of this subsection~~[the provisions of KRS~~
18 ~~640.010]~~.

19 (b) The defendant shall be transferred to the Circuit Court for trial as an adult
20 if, following a preliminary hearing, the District Court finds probable cause
21 to believe that:

22 1. The defendant committed an offense which would classify the
23 defendant as a violent offender as defined in KRS 439.3401, or a
24 capital offense, Class A felony, or Class B felony; and

25 2. The defendant was fourteen (14) years of age or older at the time of
26 the commission of the alleged violent offense.

27 (c) If convicted in the Circuit Court, he or she shall be subject to the same

1 penalties as an adult offender, except that until he or she reaches the age of
 2 eighteen (18) years, he or she shall be confined in a facility for juveniles or
 3 for youthful offenders, unless the provisions of KRS 635.025 apply or unless
 4 he or she is released pursuant to expiration of sentence or parole, and at
 5 age eighteen (18) he or she shall be returned to the sentencing Circuit Court
 6 for proceedings consistent with KRS 640.030(2).

7 (d) If he or she is convicted in the Circuit Court and is returned to the
 8 sentencing Circuit Court for proceedings consistent with KRS 640.030(2),
 9 he or she shall not be eligible for probation or conditional discharge.

10 (3) If a defendant~~[child]~~ charged with a Class C or Class D felony has on one (1) prior
 11 separate occasion been adjudicated a public offender for a felony offense and had
 12 attained the age of sixteen (16) at the time of the alleged commission of the offense,
 13 the court shall, upon motion of the county attorney made prior to adjudication, and
 14 after the county attorney has consulted with the Commonwealth's attorney, that the
 15 defendant~~[child]~~ be proceeded against as a youthful offender, proceed in
 16 accordance with the provisions of KRS 640.010.

17 (4) (a) If a defendant~~[child]~~ charged with a felony had attained the age of fourteen
 18 (14) years at the time of the commission of the alleged offense in which a
 19 firearm, whether functional or not, was used by the defendant~~[child]~~ in the
 20 commission of the offense, the court shall, upon motion of the county attorney
 21 made prior to adjudication, and after the county attorney has consulted with
 22 the Commonwealth's attorney, that the defendant~~[child]~~ be proceeded against
 23 as a youthful offender, proceed in accordance with KRS 640.010.

24 (b) 1. Any other provision of KRS Chapters 610 to 645 to the contrary
 25 notwithstanding, if a defendant~~[child]~~ charged with a capital offense,
 26 Class A, B, or C felony had attained the age of fifteen (15) years at the
 27 time of the commission of the alleged offense in which a firearm,

1 whether functional or not, was used by the defendant~~[child]~~ in the
2 commission of the offense, the court shall, upon motion of the county
3 attorney made prior to adjudication and after consultation with the
4 Commonwealth's attorney, that the defendant~~[child]~~ be proceeded
5 against as a youthful offender, proceed in accordance with subparagraph
6 2. of this paragraph.

7 2. The defendant~~[child]~~ shall be transferred to the Circuit Court for trial as
8 an adult if, following a preliminary hearing, the District Court finds
9 probable cause to believe that:

10 a. The defendant~~[child]~~ committed a capital offense, Class A, B, or
11 C felony;

12 b. A firearm was used by the defendant~~[child]~~ in the commission of
13 that felony; and

14 c. The defendant~~[child]~~ was fifteen (15) years of age or older at the
15 time of the commission of the alleged felony.

16 3. ~~[a. After consulting with the county attorney, the Commonwealth's~~
17 ~~attorney may transfer the child back to District Court if the~~
18 ~~Commonwealth's attorney determines that it is in the best interest~~
19 ~~of the public and the child to do so.~~

20 ~~b.]~~After considering the factors in KRS 640.010(2)(c), the Circuit
21 Court may transfer the defendant~~[child]~~ back to District Court if
22 the Circuit Court finds that less than two (2) factors specified in
23 KRS 640.010(2)(c) favor keeping the defendant~~[child]~~ in Circuit
24 Court.

25 4. If convicted in the Circuit Court, he or she shall be subject to the same
26 penalties as an adult offender, except that until he or she reaches the age
27 of eighteen (18) years, he or she shall be confined in a facility for

1 juveniles or for youthful offenders, unless the provisions of KRS
 2 635.025 apply or unless he or she is released pursuant to expiration of
 3 sentence or parole, and at age eighteen (18) he or she shall be returned
 4 to the sentencing Circuit Court for proceedings consistent with KRS
 5 640.030(2).

6 5. If convicted in the Circuit Court and he or she is returned to the
 7 sentencing Circuit Court for proceedings consistent with KRS
 8 640.030(2), he or she shall not be eligible for probation or conditional
 9 discharge.

10 (5) **(a) Any other provision of KRS Chapters 600 to 645 to the contrary**
 11 **notwithstanding**, if a **defendant**~~[child]~~ previously convicted as a youthful
 12 offender under the provisions of KRS Chapter 640 is charged with a felony
 13 allegedly committed prior to his or her eighteenth birthday, the court shall,
 14 upon motion of the county attorney made prior to adjudication, and after the
 15 county attorney has consulted with the Commonwealth's attorney, that the
 16 **defendant**~~[child]~~ be proceeded against as a youthful offender, proceed in
 17 accordance with **paragraph (b) of this subsection**~~[the provisions of KRS~~
 18 ~~640.010]~~.

19 **(b) The defendant shall be transferred to the Circuit Court for trial as an adult**
 20 **if, following a preliminary hearing, the District Court finds probable cause**
 21 **to believe that:**

22 **1. The defendant was previously convicted as a youthful offender under**
 23 **KRS Chapter 640; and**
 24 **2. The defendant was younger than eighteen (18) years of age at the time**
 25 **of the commission of the alleged felony.**

26 **(c) If convicted in the Circuit Court, he or she shall be subject to the same**
 27 **penalties as an adult offender, except that until he or she reaches the age of**

1 *eighteen (18) years, he or she shall be confined in a facility for juveniles or*
 2 *for youthful offenders, unless the provisions of KRS 635.025 apply or unless*
 3 *he or she is released pursuant to expiration of sentence or parole, and at*
 4 *age eighteen (18) he or she shall be returned to the sentencing Circuit Court*
 5 *for proceedings consistent with KRS 640.030(2).*

6 *(d) If he or she is convicted in the Circuit Court and he or she is returned to the*
 7 *sentencing Circuit Court for proceedings consistent with KRS 640.030(2),*
 8 *he or she shall not be eligible for probation or conditional discharge.*

9 (6) A *defendant*~~[child]~~ who is charged as is provided in subsection (2) of this section
 10 and is also charged with a Class C or D felony, a misdemeanor, or a violation
 11 arising from the same course of conduct shall have all charges included in the same
 12 proceedings; and the court shall, upon motion of the county attorney made prior to
 13 adjudication, and after the county attorney has consulted with the Commonwealth's
 14 attorney, that the *defendant*~~[child]~~ be proceeded against as a youthful offender,
 15 proceed in accordance with the provisions of *subsection (2)(b) of this section*~~[KRS~~
 16 *640.010*].

17 (7) If a person who is eighteen (18) or older and before the court is charged with a
 18 felony that occurred prior to his or her eighteenth birthday, the court shall, upon
 19 motion of the county attorney made prior to adjudication, and after the county
 20 attorney has consulted with the Commonwealth's attorney, that the *defendant*~~[child]~~
 21 be proceeded against as a youthful offender, proceed in accordance with the
 22 provisions of KRS 640.010.

23 (8) All offenses arising out of the same course of conduct shall be tried with the felony
 24 arising from that course of conduct, whether the charges are adjudicated under this
 25 chapter or under KRS Chapter 640 and transferred to Circuit Court.

26 ➔Section 22. KRS 635.040 is amended to read as follows:

27 No adjudication by a juvenile session of District Court shall be deemed a conviction,

1 except when considered for an enhanced disposition or sentence in the juvenile session
2 of District Court or in Circuit Court. Nor shall such adjudication operate to impose any
3 of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child
4 be found guilty or be deemed a criminal by reason of such adjudication.

5 ➔Section 23. KRS 635.060 is amended to read as follows:

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

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

19 (2) (a) Place the child:

20 1. Under parental supervision in the child's own home or in a suitable
21 home or boarding home, upon the conditions that the court shall
22 determine, or

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

24 (b) 1. At the time the child is placed on probation, the court shall explain to
25 the child the sanctions ~~that~~which may be imposed if the court's
26 conditions are violated, and shall include notice of those sanctions as
27 part of its written order of probation. A child placed on probation shall

1 be subject to the visitation and supervision of a probation officer or an
2 employee of the Department of Juvenile Justice.

3 2. The conditions of probation shall include authorization for the use of
4 graduated sanctions prior to a court review for the imposition of a term
5 of detention. If the court has previously imposed graduated sanctions for
6 a violation of conditions of supervision by a child monitored by the
7 court, or makes a finding that the graduated sanctions have previously
8 been imposed for a child on probation, then the court may impose a
9 sanction of up to one hundred eighty (180)~~thirty (30)~~ days' detention
10 for a violation of the conditions of supervision or probation. A court
11 may not impose detention prior to use of graduated sanctions unless
12 there is clear and convincing evidence that there are no graduated
13 sanctions available that are appropriate for the child and the child is an
14 immediate threat to himself or herself, or others. Except where
15 commitment has been probated pursuant to subsection (5) of this
16 section, a child may not be committed or recommitted to the Department
17 of Juvenile Justice for a violation of a condition of probation.

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

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

- 1 2. If the child was adjudicated for an offense that would be a misdemeanor
2 if committed by an adult, other than an offense for which a child has
3 been declared a juvenile sex offender under KRS 635.510 or an offense
4 involving a deadly weapon, the period of probation or supervision shall
5 not exceed ~~[six (6) months, except that the court may order up to]~~twelve
6 (12) months~~[of supervision if the court ordered substance abuse or
7 mental health treatment includes a program that requires longer than six
8 (6) months to complete]; or~~
- 9 3. If the child was adjudicated for an offense that would be a ~~[Class D
10]~~felony if committed by an adult, ~~[other than an offense for which a
11 child has been declared a juvenile sex offender under KRS 635.510 or
12 an offense involving a deadly weapon, the period of probation or
13 supervision shall not exceed twelve (12) months; or~~
- 14 4. ~~If the child was adjudicated for an offense that would be a felony
15 offense if committed by an adult, other than a Class D felony offense,
16]~~or for an offense involving a deadly weapon, or for an offense in which
17 the child has not been declared a sexual offender pursuant to KRS
18 635.510, the child may be placed on probation up to age eighteen (18);
- 19 (3) (a) If the child was adjudicated for an offense other than an offense that would be
20 a violation if committed by an adult, order the child confined in an approved
21 secure detention facility or detention program, as authorized by KRS Chapter
22 15A, as follows:
- 23 1. If the child is fourteen (14) years of age but less than sixteen (16) years
24 of age, the child may be confined for a period of time not to exceed
25 ninety (90)~~[forty five (45)]~~ days; or
- 26 2. If the child is sixteen (16) years of age or older, the child may be
27 confined for a period of time not to exceed one hundred eighty

1 (180)~~ninety (90)~~ days.

2 (b) Any child detained under this section, other than a child previously assessed
3 pending a detention hearing, shall be assessed by a mental health professional
4 to determine if the child exhibits behavior that indicates the child could
5 benefit from cognitive behavioral therapy, other evidence-based behavioral
6 health programs, substance use disorder treatment, or treatment in a
7 psychiatric facility for serious mental illness. Any treatment recommended
8 under this paragraph shall be provided by the Department of Juvenile Justice
9 and may be provided pursuant to a contract between the Justice and Public
10 Safety Cabinet and a behavioral health services organization.

11 (c) The Justice and Public Safety Cabinet may enter into a contract or contracts
12 with at least one (1):

- 13 1. Mental health professional whose communications with the child shall
14 be confidential in conformity with the Kentucky Rules of Evidence, to
15 provide the assessment required by paragraph (b) of this subsection; and
16 2. Behavioral health services organization that is accredited and qualified
17 to provide behavioral health treatment.

18 (d) Behavioral health services organizations contracted pursuant to paragraph (c)
19 of this subsection may utilize restorative practices designed to hold the
20 participant accountable to the victim if there is an identified victim and, in the
21 professional opinion of the behavioral health service provider, it is safe to do
22 so.

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

26 (4) (a) Order the child to be committed or recommitted to the custody of the
27 Department of Juvenile Justice, grant guardianship to a child-caring facility or

1 a child-placing agency authorized to care for the child, or place the child
2 under the custody and supervision of a suitable person~~[if:~~

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

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

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

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

21 2. If the child was adjudicated for an offense that would be a Class D
22 felony if committed by an adult, other than an offense for which a child
23 has been declared a juvenile sex offender under KRS 635.510 or an
24 offense involving a deadly weapon, the child may be committed for a
25 period **no less than six (6) months, and up to the age eighteen (18)**~~[not~~
26 ~~to exceed eighteen (18) months]~~, including all time spent in the
27 treatment plan established pursuant to KRS 15A.0652;

- 1 3. If the child was adjudicated for an offense that would be a felony
2 offense if committed by an adult, other than a Class D felony offense, or
3 an offense involving a deadly weapon, the child may be committed for a
4 period no less than twelve (12) months, and up to age eighteen (18);
- 5 4. If the child was adjudicated for an offense that results in the child being
6 declared a juvenile sexual offender, the commitment shall be as
7 provided in KRS 635.515;
- 8 5. The court, in its discretion, upon motion by the child and with the
9 concurrence of the Department of Juvenile Justice, may authorize an
10 extension of commitment up to age twenty-one (21) to permit the
11 Department of Juvenile Justice to assist the child in establishing
12 independent living arrangements; and
- 13 6. If a child is committed after the child reaches the age of seventeen (17)
14 years and six (6) months, and except as provided in subparagraph 4. of
15 this paragraph, the commitment shall be for a period not to exceed one
16 (1) year.
- 17 (c) The Department of Juvenile Justice shall:
- 18 1. Accept physical custody of a child who is detained in an approved
19 secure juvenile detention facility in accordance with KRS 15A.200 to
20 15A.240 at the time the child is committed or recommitted to the
21 custody of the Department of Juvenile Justice. The Department of
22 Juvenile Justice shall remove the child from the approved secure
23 juvenile detention facility and secure appropriate placement as soon as
24 possible but not to exceed thirty-five (35) days of the time of
25 commitment or recommitment; and
- 26 2. Pay for the cost of detention from the date of commitment or
27 recommitment, on the current charge, until the child is removed from

1 the detention facility and placed.

2 (d) All orders of commitment may include advisory recommendations the court
3 may deem proper in the best interests of the child and of the public.

4 (e) Any child committed under this section, other than a child previously assessed
5 pending a detention hearing, shall be assessed by a mental health professional
6 to determine if the child exhibits behavior that indicates the child could
7 benefit from cognitive behavioral therapy, other evidence-based behavioral
8 health programs, substance use disorder treatment, or treatment in a
9 psychiatric facility for serious mental illness. Any treatment recommended
10 under this paragraph shall be provided by the Department of Juvenile Justice
11 and may be provided pursuant to a contract between the Justice and Public
12 Safety Cabinet and a behavioral health services organization.

13 (f) The Justice and Public Safety Cabinet may enter into a contract or contracts
14 with at least one (1):

- 15 1. Mental health professional whose communications with the child shall
16 be confidential in conformity with the Kentucky Rules of Evidence, to
17 provide the assessment required by paragraph (e) of this subsection; and
- 18 2. Behavioral health services organization that is accredited and qualified
19 to provide behavioral health treatment.

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

25 (5) (a) The court may probate or suspend a commitment ordered pursuant to
26 subsection (4) of this section, except that if a court probates or suspends a
27 commitment in conjunction with any other dispositional alternative, that fact

1 shall be explained to the juvenile and contained in a written order.

2 (b) Any probation or suspension imposed shall not exceed the time limitations
3 established under subsection (2) of this section.

4 (c) If the child successfully completes the conditions of probation, the court shall
5 terminate the case.

6 (d) 1. The court may, for violations of the conditions of probation, revoke the
7 probation or suspension ordered under this section and order the child
8 committed.

9 2. The period of the commitment shall not exceed the terms established
10 under subsection (4) of this section.

11 3. Any time a child has spent in out-of-home placement as a result of a
12 violation of a condition of probation or suspension under this section
13 shall be credited toward the period of commitment.

14 4. If a commitment is probated or suspended after a child reaches the age
15 of seventeen (17) years and six (6) months, the period of the suspension,
16 and commitment if revoked, shall be for a period not to exceed one (1)
17 year, but not to exceed age nineteen (19).

18 ➔Section 24. The following KRS section is repealed:

19 605.035 Family accountability, intervention, and response teams -- Purpose --
20 Membership.