

1 AN ACT relating to status offenses.

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

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

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

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

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

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

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

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

26 1. The director of pupil personnel;

27 2. A family resource and youth services center representative of the

- 1 school;
- 2 3. The school's social worker or school counselor;
- 3 4. A school resource officer;
- 4 5. A local representative of the Department for Community Based
- 5 Services;
- 6 6. One (1) or more additional members, at least one (1) of whom shall be
- 7 a representative of the:
- 8 a. Community mental health center;
- 9 b. Regional interagency council specified in KRS 200.509(1)(a) to
- 10 (d) and (g);
- 11 c. Corresponding local interagency council if a council exists; or
- 12 d. An additional school-based mental health services provider as
- 13 defined in KRS 158.4416; and
- 14 7. The court-designated worker in the participating school district's
- 15 judicial district or circuit.
- 16 (b) The RISE team shall serve in place of the family accountability,
- 17 intervention, and response team establish by KRS 605.035 for that school
- 18 during the pilot project.
- 19 (5) The court-designated worker shall:
- 20 (a) Convene and facilitate the RISE team for each selected school district; and
- 21 (b) Provide case management support to the family of a participating student.
- 22 (6) Each RISE team shall adopt a case management approach and process for
- 23 reviewing:
- 24 (a) Families subject to a truancy intervention precomplaint;
- 25 (b) Referrals from the court-designated worker in cases in which a student has:
- 26 1. Failed to appear for a preliminary intake;
- 27 2. Declined to enter into a diversion agreement; or

- 1 3. Failed to complete the terms of a diversion agreement; and
2 (c) Status offense cases if the court-designated worker, after review of the
3 complaint, has determined that no further action is necessary.
- 4 (7) The RISE team shall meet with the student and the student's parent, guardian, or
5 other person exercising custodial control or supervision to develop a family-
6 specific improvement plan to address the barriers to school attendance or, if
7 referred pursuant to subsection (6)(b) of this section, address the barriers to
8 successful completion of a diversion agreement. The RISE team shall also
9 identify resources to address the identified barriers and issues and assist in
10 connecting the families to those resources.
- 11 (8) The RISE team shall be a part of Kentucky's juvenile justice system under
12 Section 8 of this Act and shall, subject to restrictions imposed by state or federal
13 law, disclose and share with other identified agencies all information they
14 maintain on a student in accordance with Section 8 of this Act.
- 15 (9) Each participating school district shall provide attendance information necessary
16 for the SOAR Program.
- 17 (10) The Administrative Office of the Courts shall submit an annual report to the
18 Legislative Research Commission for referral to the Interim Joint Committee on
19 Judiciary and the Interim Joint Committee on Education beginning July 1, 2027,
20 and by July 1 of each following year, that includes:
- 21 (a) The number of students referred to the SOAR Program;
22 (b) The services to which the family was referred;
23 (c) The number of students who completed the SOAR Program;
24 (d) The number of students who did not successfully complete the SOAR
25 Program that resulted in a habitual truancy complaint and the reasons for
26 the unsuccessful completion; and
27 (e) Recommendations for improvement of the SOAR Program.

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

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

5 (a) Provide notice to the student and the student's parent, guardian, or other
6 person exercising custodial control or supervision that they shall attend an
7 initial meeting with the court-designated worker to discuss barriers to
8 school attendance or other identified issues;

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

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

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

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

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

25 (d) 1. Convene and facilitate the RISE team to review and enhance the
26 family-specific improvement plan to address barriers to school
27 attendance, or barriers to completion of a diversion agreement if

1 referred pursuant to subsection (6)(b) of Section 1 of this Act for each
2 identified family; and

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

6 (e) If applicable, review a family-specific improvement plan or a diversion
7 agreement to incorporate modifications to a family-specific improvement
8 plan or diversion agreement; and

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

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

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

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

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

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

26 (1) Upon a student in grades six (6) through twelve (12) becoming a truant as
27 defined in KRS 159.150(1), provide written notice to the student and the student's

1 parent, guardian, or other person exercising custodial control or supervision of
2 the following:

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

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

6 (c) Available resources and tools intended to prevent further unexcused
7 absences; and

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

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

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

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

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

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

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

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

27 (1) The director of pupil personnel, or an assistant appointed under KRS 159.080, shall:

- 1 (a) Devote his or her entire time to the duties of the office except as provided in
2 subsection (2) of this section;
- 3 (b) Enforce the compulsory attendance and census laws in the attendance district
4 he or she serves;
- 5 (c) Acquaint the school with the home conditions of a habitual truant as
6 defined~~described~~ in KRS 159.150(3), and the home with the work and
7 advantages of the school;
- 8 (d) Ascertain the causes of irregular attendance and truancy, through documented
9 contact with the custodian of the student, and seek the elimination of these
10 causes, which shall include performing the duties required in Section 3 of
11 this Act in those schools within the district that are participating in the
12 SOAR Program under Section 1 of this Act;
- 13 (e) Secure the enrollment in school of all students who should be enrolled and
14 keep all enrolled students in reasonably regular attendance;
- 15 (f) Attempt to visit the homes of students who are reported to be in need of
16 books, clothing, or parental care;
- 17 (g) Provide for the interviewing of students and the parents of those students who
18 quit school to determine the reasons for the decision. The interviews shall be
19 conducted in a location that is nonthreatening for the students and parents and
20 according to procedures and interview questions established by an
21 administrative regulation promulgated in accordance with KRS Chapter 13A
22 by the Kentucky Board of Education. The questions shall be designed to
23 provide data that can be used for local district and statewide research and
24 decision-making. Data shall be reported annually to the local board of
25 education and the Department of Education;
- 26 (h) Report to the superintendent of schools in the district in which the student
27 resides the number and cost of books and school supplies needed by any

1 student whose parent, guardian, or custodian does not have sufficient income
2 to furnish the student with the necessary books and school supplies; and

3 (i) Keep the records and make the reports that are required by law, by
4 administrative regulation of the Kentucky Board of Education, and by the
5 superintendent and board of education.

6 (2) A local school district superintendent may waive the requirement that a director of
7 pupil personnel devote his or her entire time to his or her duties. The superintendent
8 shall report the decision to the commissioner of education.

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

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

17 (b) For a minor in grade six (6) through twelve (12) who is a habitual truant as
18 defined in KRS 159.150(3)~~[600.020]~~ and has been absent without excuse for
19 fifteen (15) or more days during a school year, shall report the matter to the
20 county attorney for a determination of appropriate court intervention and, if a
21 complaint is filed with the court-designated worker, proceed under KRS
22 610.030(6).

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

25 (1) As used in this section:

26 (a) "Complaint" has the same meaning as in KRS 600.020;

27 (b) "Court-designated worker" has the same meaning as in KRS 600.020; and

- 1 (c) "Habitual truant" has the same meaning as in KRS 159.150(3).
- 2 (2) The purpose of this section is to require the collection and reporting of data that
3 will aid in the understanding of the impact that various interventions have on the
4 attendance of students who are habitually truant.
- 5 (3) Beginning in the 2027-2028 school year, each school district shall document the
6 following information in the state student information system:
- 7 (a) The filing of a complaint for habitual truancy by the school district with the
8 court-designated worker;
- 9 (b) The resolution of the habitual truancy complaint filed with the court-
10 designated worker, including the date of the resolution and whether the
11 complaint was:
- 12 1. Not pursued;
13 2. Successfully diverted;
14 3. Forwarded to the county attorney for court action; or
15 4. Resolved in some other manner;
- 16 (c) The reporting of a student to the county attorney as required by subsection
17 (3)(b) of Section 4 of this Act; and
- 18 (d) When a habitual truancy petition is filed with the court.
- 19 (4) By December 1, 2028, and then by December 1 of each year until December 1,
20 2031, the Kentucky Department of Education shall submit to the Legislative
21 Research Commission for referral to the Interim Joint Committee on Education
22 and the Interim Joint Committee on Judiciary an annual report that includes the
23 information under this subsection for the prior school term. The information
24 shall be reported by school district, and within each school district by gender,
25 race, and grade level and contain the following:
- 26 (a) The number of students reported to the county attorney as required under
27 subsection (3)(b) of Section 4 of this Act;

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

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

5 2. The number of students placed on diversion by the court-designated
6 worker and the number of unexcused absences per student after the
7 student is placed on diversion;

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

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

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

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

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

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

1 complainant shall promptly furnish the additional information requested;

2 (2) (a) Upon receipt of a complaint which appears to be complete and which alleges
3 that a child has committed a public offense, the court-designated worker shall
4 refer the complaint to the county attorney for review pursuant to KRS
5 635.010.

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

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

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

18 (5)~~(4)~~ Prior to conducting a preliminary intake inquiry, the court-designated worker
19 shall notify the child and the child's parent, guardian, or other person exercising
20 custodial control or supervision of the child in writing:

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

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

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

1 2. **That** information may be shared between treatment providers, the court-
 2 designated worker, ~~and~~ the family accountability, intervention, and
 3 response team, **and if applicable, the RISE team** to enable the court-
 4 designated worker to facilitate services and facilitate compliance with
 5 the diversion agreement; and

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

8 ~~(6)(5)~~ The preliminary intake inquiry shall include the administration of an
 9 evidence-based screening tool and, if appropriate and available, a validated risk and
 10 needs assessment, in order to identify whether the child and his or her family are in
 11 need of services and the level of intervention needed;

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

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

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

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

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

26 **a. Without a SOAR Program,** determine that no further action be
 27 taken subject to review by the family accountability, intervention,

1 and response team; or

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

4 2. If the complaint alleges a public offense, refer the complaint to the
5 county attorney;

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

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

12 ~~(8)~~~~(7)~~ Upon receiving written approval of the county attorney, if necessary, to divert
13 a public offense complaint, and prior to conducting a formal conference, the court-
14 designated worker shall advise in writing the complainant, the victim if any, and the
15 law enforcement agency having investigative jurisdiction of the offense:

16 (a) Of the recommendation and the reasons therefor and that the complainant,
17 victim, or law enforcement agency may submit within ten (10) days from
18 receipt of such notice a complaint to the county attorney for special review; or

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

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

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

(b) Administer an evidence-based family screening tool to identify family strengths, needs, and risks. Results from the family screening shall be used to develop a family diversion agreement that shall not exceed twelve (12) months in duration, and:

1. Shall include:

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

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

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

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

d.~~[ii.]~~ For a child against whom a complaint alleging *habitual* truancy has been filed under subsection (3)(b) of Section 4 of this Act, a requirement that:

i. The family be referred directly to the family accountability, intervention, and response team; and~~[require that]~~

ii. If the child is absent from school without excuse for eight (8)~~[four (4)]~~ days during one (1) school term, as defined in KRS 158.070, following the initial case review by the family accountability, intervention, and response team, the family~~[~~

1 ~~during a diversion agreement, the child~~ shall immediately be
2 considered to have failed to complete the family diversion
3 agreement and subsection (10)(b)2.~~[(9)(b)3.]~~ of this section
4 shall immediately apply; and

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

6 ~~a.(i.)~~ Referral of the child, parent, guardian, or other person exercising
7 custodial control or supervision of the child, or~~and~~ the family
8 unit, if appropriate, to any or all of the following:

9 i. A public or private entity or person for the provision of
10 identified services to address needs identified through the
11 family screening~~[the complaint or assessed needs];~~

12 ii. ~~[Referral of the child, and family if appropriate, to]~~A
13 community service program within the limitations provided
14 under KRS 635.080(2);

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

18 iv. A restorative justice program; or

19 v. Any other available and appropriate program or service;

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

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

26 d. Any other provisions agreed upon by the court-designated
27 worker, the child, and the parent, guardian, or other person

1 exercising custodial control or supervision~~[v. Any other~~
2 ~~program or effort which reasonably benefits the community and~~
3 ~~the child; and~~

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

6 ~~3.[2.]~~ Prior to developing the family diversion agreement, the court-designated
7 worker ~~for court-designated specialist~~ shall contact the school district
8 that the child attends to obtain background information from school
9 personnel regarding family background, education records, any services
10 previously provided, and any recommended trauma informed strategies.

11 ~~4.[3.]~~ Upon developing a family diversion agreement, the court-designated
12 worker~~[specialist]~~ shall:

13 a. Make all details of the agreement accessible to all members of the
14 family, accountability, intervention, and response team through an
15 electronic platform provided by the Administrative Office of the
16 Courts; and

17 b. Electronically notify the director of pupil personnel at the school
18 district that the child attends that the child has entered into a
19 family diversion agreement, including the date of the agreement;

20 ~~(10)[(9)]~~ (a) If a child and his or her parent, guardian, or other person exercising
21 custodial control or supervision successfully completes the family~~[a]~~
22 diversion agreement, the underlying complaint against the child shall be
23 dismissed and further action related to that complaint shall be prohibited.
24 Upon completion of the family diversion agreement, the court-designated
25 worker shall electronically notify the director of pupil personnel at the
26 school district that the child attends, including the date the agreement was
27 successfully completed.

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

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

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

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

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

2.~~[3.]~~a. If a child and his or her parent, guardian, or other person exercising custodial control or supervision fail to complete a family diversion agreement, then the family accountability, intervention, and response team shall review the case to determine the primary reason for the failure.

b. If the family accountability, intervention, and response team determines that the primary reason for the failure is lack of involvement by:

a. The parent, guardian, or other person exercising custodial control or supervision, then the family accountability,

1 intervention, and response team shall refer the case to the
2 cabinet and shall share the results of the family-based
3 screening tool with the cabinet at the time of the referral.
4 The cabinet shall conduct an investigation of suspected
5 dependency, neglect, or abuse of the child as required by
6 KRS 605.130 and notify both the family accountability,
7 intervention, and response team and the county attorney of
8 its planned course of action and recommendation of how to
9 proceed; or

10 b. The child, then the case shall be referred to the county
11 attorney, and if a petition is filed, the child may request that
12 the court dismiss the complaint based upon his or her
13 substantial compliance with the terms of diversion ~~[For a~~
14 ~~status offense complaint alleging truancy for which the child~~
15 ~~failed diversion in accordance with subsection (8)(b)1.a.ii. of~~
16 ~~this section, the matter shall immediately be referred to the~~
17 ~~county attorney for formal court action].~~

18 (c) 1. In a school without a SOAR Program, if the child and his or her
19 parent, guardian, or other person exercising custodial control or
20 supervision enters into a family diversion agreement or is referred to the
21 family accountability, intervention, and response team for habitual
22 truancy and there is no action implemented by the family accountability,
23 intervention, and response team within thirty (30) days, the family
24 accountability, intervention, and response team shall report to the court
25 the reasons for inaction and shall provide a plan for action on the child's
26 case. The court shall review on the record any family diversion
27 agreement and any report, without the attendance or appearance of the

1 child, or the child's parent, guardian, or other person exercising
2 custodial control or supervision at regular intervals at the court's
3 discretion to verify family accountability, intervention, and response
4 team member attendance, team accountability, and performance.

5 2. In a school with a SOAR Program, if the child enters into a family
6 diversion agreement or is referred to the RISE team for truancy at the
7 child's school and there is no action implemented by the RISE team
8 within thirty (30) days, the court-designated worker shall report to the
9 court the reasons for inaction and shall provide a plan for action on
10 the child's case. The court shall review on the record any family
11 diversion agreement and any report, without the attendance or
12 appearance of the child, at regular intervals at the court's discretion to
13 verify RISE team member attendance, team accountability, and
14 performance[(d)If a child fails to appear for a preliminary intake
15 inquiry or fails to complete a diversion agreement due to lack of parental
16 cooperation, the court-designated worker shall make a determination
17 that the child failed to complete the diversion due to lack of parent
18 cooperation];

19 (11)[(10)] If the county attorney refers a complaint for habitual truancy to the court,
20 the county attorney shall electronically notify the director of pupil personnel at
21 the school district that the child attends that the complaint has been filed,
22 including the date of the filing;

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

27 ~~[(11) If the court receives a report with a determination that the diversion is failed due to~~

1 ~~lack of parental cooperation, the court may order parental cooperation and refer the~~
2 ~~case back to the court-designated worker. The child shall not be detained upon this~~
3 ~~finding; and]~~

4 (13)~~[(12)]~~ At any stage in the proceedings described in this section, the court or the
5 county attorney may review any decision of the court-designated worker. The court
6 upon its own motion or upon written request of the county attorney may refer any
7 complaint for a formal hearing.

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

- 9 (1) A court-designated worker may:
- 10 (a) Receive complaints;
 - 11 (b) Review complaints taken by peace officers;
 - 12 (c) Investigate complaints except neglect, abuse, and dependency;
 - 13 (d) Perform an initial screening for human trafficking as defined in KRS 529.010
14 for referral to the cabinet for investigation as a case of dependency, neglect, or
15 abuse;
 - 16 (e) Dispose of complaints limited to a total of three (3) status or nonfelony public
17 offense complaints per child and, with written approval of the county
18 attorney, one (1) felony complaint that does not involve the commission of a
19 sexual offense or the use of a deadly weapon;
 - 20 (f) Administer oaths;
 - 21 (g) Issue summonses;
 - 22 (h) Issue subpoenas;
 - 23 (i) Make advisory dispositional recommendations and provide, within forty-eight
24 (48) hours, exclusive of weekends and holidays, information concerning a
25 child who has chosen to waive the investigation pursuant to KRS 610.100;
 - 26 (j) Perform any~~such~~ duties ~~as~~ required by KRS Chapter 645;
 - 27 (k) Administer evidence-based screenings and assessments to identify the risk

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

1 other all information they maintain on a juvenile in a facility or program or informal
2 adjustment authorized by law:

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

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

17 (3) Once a:

18 (a) Complaint is filed with a court-designated worker alleging that a child has
19 committed a status offense or public offense; ~~or,~~

20 (b) Child participates in a SOAR Program as defined in Section 9 of this Act
21 offered at the child's school;

22 all public or private elementary or secondary schools, vocational or business
23 schools, or institutions of higher education shall provide all records specifically
24 requested in writing, and pertaining to that child, to any of the agencies listed in
25 subsection (1) of this section. Pursuant to the authority granted to the
26 Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C.
27 sec. 1232g, when this section refers to the release of educational records, the

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

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

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

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

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

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

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

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

- 25 1. Inflicts or allows to be inflicted upon the child physical or emotional
26 injury as defined in this section by other than accidental means;
- 27 2. Creates or allows to be created a risk of physical or emotional injury as

- 1 defined in this section to the child by other than accidental means;
- 2 3. Engages in a pattern of conduct that renders the parent incapable of
- 3 caring for the immediate and ongoing needs of the child, including but
- 4 not limited to parental incapacity due to a substance use disorder as
- 5 defined in KRS 222.005;
- 6 4. Continuously or repeatedly fails or refuses to provide essential parental
- 7 care and protection for the child, considering the age of the child;
- 8 5. Commits or allows to be committed an act of sexual abuse, sexual
- 9 exploitation, or prostitution upon the child;
- 10 6. Creates or allows to be created a risk that an act of sexual abuse, sexual
- 11 exploitation, or prostitution will be committed upon the child;
- 12 7. Abandons or exploits the child;
- 13 8. Does not provide the child with adequate care, supervision, food,
- 14 clothing, shelter, and education or medical care necessary for the child's
- 15 well-being when financially able to do so or offered financial or other
- 16 means to do so. A parent or other person exercising custodial control or
- 17 supervision of the child legitimately practicing the person's religious
- 18 beliefs shall not be considered a negligent parent solely because of
- 19 failure to provide specified medical treatment for a child for that reason
- 20 alone. This exception shall not preclude a court from ordering necessary
- 21 medical services for a child;
- 22 9. Fails to make sufficient progress toward identified goals as set forth in
- 23 the court-approved case plan to allow for the safe return of the child to
- 24 the parent that results in the child remaining committed to the cabinet
- 25 and remaining in foster care for fifteen (15) cumulative months out of
- 26 forty-eight (48) months; or
- 27 10. Commits or allows female genital mutilation as defined in KRS 508.125

1 to be committed; or

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

5 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
6 675(11);

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

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

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

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

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

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

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

25 (5) "Beyond the control of school" means any child who has been found by the court to
26 have repeatedly violated the lawful regulations for the government of the school as
27 provided in KRS 158.150, and as documented in writing by the school as a part of

- 1 the school's petition or as an attachment to the school's petition. The petition or
2 attachment shall describe the student's behavior and all intervention strategies
3 attempted by the school;
- 4 (6) "Boarding home" means a privately owned and operated home for the boarding and
5 lodging of individuals which is approved by the Department of Juvenile Justice or
6 the cabinet for the placement of children committed to the department or the
7 cabinet;
- 8 (7) "Cabinet" means the Cabinet for Health and Family Services;
- 9 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
10 and who have completed a course of education and training in juvenile detention
11 developed and approved by, the Department of Juvenile Justice after consultation
12 with other appropriate state agencies;
- 13 (9) "Child" means any person who has not reached his or her eighteenth birthday,
14 unless otherwise provided;
- 15 (10) "Child-caring facility" means any facility or group home other than a state facility,
16 Department of Juvenile Justice contract facility or group home, or one certified by
17 an appropriate agency as operated primarily for educational or medical purposes,
18 providing residential care on a twenty-four (24) hour basis to children not related by
19 blood, adoption, or marriage to the person maintaining the facility;
- 20 (11) "Child-placing agency" means any agency, other than a state agency, which
21 supervises the placement of children in foster family homes or child-caring
22 facilities or which places children for adoption;
- 23 (12) "Clinical treatment facility" means a facility with more than eight (8) beds
24 designated by the Department of Juvenile Justice or the cabinet for the treatment of
25 mentally ill children. The treatment program of such facilities shall be supervised
26 by a qualified mental health professional;
- 27 (13) "Commitment" means an order of the court which places a child under the custodial

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

1 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
2 period of detention prior to adjudication;

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

7 (24) "Eligible youth" means a person who:

8 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;

9 (b) Is eighteen (18) years of age to nineteen (19) years of age; and

10 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
11 order to participate in state or federal educational programs or to establish
12 independent living arrangements;

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

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

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

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

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

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

1 secure detention facility, who are in the detention custody of the Department of
2 Juvenile Justice, and who are placed in a nonsecure alternative by the Department
3 of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;

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

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

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

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

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

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

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

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

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

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

6 (c) A psychologist with the health service provider designation, a psychological
7 practitioner, a certified psychologist, or a psychological associate licensed
8 under the provisions of KRS Chapter 319;

9 (d) A licensed registered nurse with:

10 1. A master's degree in psychiatric nursing from an accredited institution
11 and two (2) years of clinical experience with mentally ill persons; ~~and~~ or
12 ~~a licensed registered nurse with~~

13 2. A bachelor's degree in nursing from an accredited institution who:

14 a. Is certified as a psychiatric and mental health nurse by the
15 American Nurses Association; ~~and who~~

16 b. Has three (3) years of inpatient or outpatient clinical experience in
17 psychiatric nursing; ~~and who~~

18 c. Is currently employed by a hospital or forensic psychiatric facility
19 licensed by the Commonwealth or a psychiatric unit of a general
20 hospital, a private agency or company engaged in providing
21 mental health services, or a regional comprehensive care center;

22 (e) A licensed clinical social worker licensed under the provisions of KRS
23 335.100, or a certified social worker licensed under the provisions of KRS
24 335.080 with three (3) years of inpatient or outpatient clinical experience in
25 psychiatric social work and currently employed by a hospital or forensic
26 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a
27 general hospital, a private agency or company engaged in providing mental

- 1 health services, or a regional comprehensive care center;
- 2 (f) A marriage and family therapist licensed under the provisions of KRS
3 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical
4 experience in psychiatric mental health practice and currently employed by a
5 hospital or forensic psychiatric facility licensed by the Commonwealth, a
6 psychiatric unit of a general hospital, a private agency or company engaged in
7 providing mental health services, or a regional comprehensive care center;
- 8 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
9 335.599 with three (3) years of inpatient or outpatient clinical experience in
10 psychiatric mental health practice and currently employed by a hospital or
11 forensic facility licensed by the Commonwealth, a psychiatric unit of a
12 general hospital, a private agency or company engaged in providing mental
13 health services, or a regional comprehensive care center; or
- 14 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one
15 (1) of the following requirements:
- 16 1. Provides documentation that he or she has completed a psychiatric
17 residency program for physician assistants;
- 18 2. Has completed at least one thousand (1,000) hours of clinical experience
19 under a supervising physician, as defined by KRS 311.840, who is a
20 psychiatrist and is certified or eligible for certification by the American
21 Board of Psychiatry and Neurology, Inc.;
- 22 3. Holds a master's degree from a physician assistant program accredited
23 by the Accreditation Review Commission on Education for the
24 Physician Assistant or its predecessor or successor agencies, is
25 practicing under a supervising physician as defined by KRS 311.840,
26 and:
- 27 a. Has two (2) years of clinical experience in the assessment,

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

1 holding of the child by a peace officer for a period of time not to exceed twelve (12)
2 hours when authorized by the court or the court-designated worker for the purpose
3 of making preliminary inquiries;

4 ~~(57)~~~~(56)~~ "Risk and needs assessment" means an actuarial tool scientifically proven to
5 identify specific factors and needs that are related to delinquent and noncriminal
6 misconduct;

7 ~~(58)~~~~(57)~~ "Safety plan" means a written agreement developed by the cabinet and agreed
8 to by a family that clearly describes the protective services that the cabinet will
9 provide the family in order to manage risks to a child's safety;

10 ~~(59)~~~~(58)~~ "School personnel" means those certified persons under the supervision of the
11 local public or private education agency;

12 ~~(60)~~~~(59)~~ "Secretary" means the secretary of the Cabinet for Health and Family
13 Services;

14 ~~(61)~~~~(60)~~ "Secure juvenile detention facility" means any physically secure facility used
15 for the secure detention of children other than any facility in which adult prisoners
16 are confined;

17 ~~(62)~~~~(61)~~ "Serious physical injury" means physical injury which creates a substantial
18 risk of death or which causes serious and prolonged disfigurement, prolonged
19 impairment of health, or prolonged loss or impairment of the function of any bodily
20 member or organ;

21 ~~(63)~~~~(62)~~ "Sexual abuse" includes but is not ~~necessarily~~ limited to any contacts or
22 interactions in which the parent, guardian, person in a position of authority or
23 special trust, as those terms are defined in KRS 532.045, or other person having
24 custodial control or supervision of the child or responsibility for his or her welfare,
25 uses or allows, permits, or encourages the use of the child for the purposes of the
26 sexual stimulation of the perpetrator or another person;

27 ~~(64)~~~~(63)~~ "Sexual exploitation" includes but is not limited to a situation in which a

1 parent, guardian, person in a position of authority or special trust, as those terms
2 are defined in KRS 532.045, or other person having custodial control or supervision
3 of a child or responsible for his or her welfare, allows, permits, or encourages the
4 child to engage in an act which constitutes prostitution under Kentucky law; or a
5 parent, guardian, person in a position of authority or special trust, as those terms
6 are defined in KRS 532.045, or other person having custodial control or supervision
7 of a child or responsible for his or her welfare, allows, permits, or encourages the
8 child to engage in an act of obscene or pornographic photographing, filming, or
9 depicting of a child as provided~~for~~ under Kentucky law;

10 ~~(65)~~~~((64))~~ "Social service worker" means any employee of the cabinet or any private
11 agency designated as such by the secretary of the cabinet or a social worker
12 employed by a county or city who has been approved by the cabinet to provide,
13 under its supervision, services to families and children;

14 ~~(66)~~~~((65))~~ "Staff secure facility for residential treatment" means any setting which
15 assures that all entrances and exits are under the exclusive control of the facility
16 staff, and in which a child may reside for the purpose of receiving treatment;

17 ~~(67)~~~~((66))~~ "Statewide reporting system" means a system for making and compiling
18 reports of child dependency, neglect, and abuse in Kentucky made via telephone
19 call or in writing by a member of the public;

20 ~~(68)~~~~((67))~~ (a) "Status offense action" is any action brought in the interest of a child
21 who is accused of committing acts, which if committed by an adult, would not
22 be a crime. Such behavior shall not be considered criminal or delinquent and
23 such children shall be termed status offenders. Status offenses shall include:

- 24 1. Beyond the control of school or beyond the control of parents;
- 25 2. Habitual runaway;
- 26 3. Habitual truant; and
- 27 4. Alcohol offenses as provided in KRS 244.085.

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

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

- 6 **(70)**~~[(68)]~~ "Take into custody" means the procedure by which a peace officer or other
7 authorized person initially assumes custody of a child. A child may be taken into
8 custody for a period of time not to exceed two (2) hours;

- 9 **(71)**~~[(69)]~~ "Transitional living support" means all benefits to which an eligible youth is
10 entitled upon being granted extended or reinstated commitment to the cabinet by the
11 court;

- 12 **(72)**~~[(70)]~~ "Transition plan" means a plan that is personalized at the direction of the
13 youth that:

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

- 17 (b) Is as detailed as the youth may elect;

- 18 **(73)**~~[(71)]~~ "Valid court order" means a court order issued by a judge to a child alleged or
19 found to be a status offender:

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

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

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

- 27 (d) Who received, before the issuance of the order, the full due process rights

1 guaranteed by the Constitution of the United States;

2 ~~(74)~~~~(72)~~ "Violation" means any offense, other than a traffic infraction, for which a

3 sentence of a fine only can be imposed;

4 ~~(75)~~~~(73)~~ "Youth alternative center" means a nonsecure facility, approved by the

5 Department of Juvenile Justice, for the detention of juveniles, both prior to

6 adjudication and after adjudication, which meets the criteria specified in KRS

7 15A.320; and

8 ~~(76)~~~~(74)~~ "Youthful offender" means any person regardless of age, transferred to Circuit

9 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently

10 convicted in Circuit Court.

11 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 630 IS CREATED TO

12 READ AS FOLLOWS:

13 ~~(1) A child who is alleged to be a status offender, adjudicated as a status offender, or~~

14 ~~a status offender alleged or found to have violated a valid court order may be~~

15 ~~detained as follows:~~

16 ~~(a) A child who is under sixteen (16) years old shall not be detained in a secure~~

17 ~~juvenile detention facility but may be detained in a nonsecure setting~~

18 ~~approved by the Department of Juvenile Justice; and~~

19 ~~(b) A child who is sixteen (16) years of age or older may be detained in a~~

20 ~~nonsecure setting approved by the Department of Juvenile Justice or a~~

21 ~~secure juvenile detention facility.~~

22 ~~(2) (a) Unless a shorter time period is established in this chapter or KRS Chapter~~

23 ~~610, any child who may be detained in a secure juvenile detention facility~~

24 ~~shall not be detained for longer than seven (7) days unless a court makes~~

25 ~~written findings that further detention of the child is necessary for the~~

26 ~~protection of the child or the community.~~

27 ~~(b) In no event shall the period of detention under paragraph (a) of this~~

1 subsection exceed thirty (30) days.

2 ➔Section 11. KRS 610.265 is amended to read as follows:

- 3 (1) (a) Any child who is alleged to be a status offender or who is accused of being in
4 contempt of court on an underlying finding that the child is a status offender
5 may be detained in accordance with Section 10 of this Act~~in a nonsecure~~
6 ~~facility or a secure juvenile detention facility~~ for a period of time not to
7 exceed twenty-four (24) hours, exclusive of weekends and holidays, pending a
8 detention hearing.
- 9 (b) Any child who is accused of committing a public offense or of being in
10 contempt of court on an underlying public offense may be detained in a secure
11 juvenile detention facility or a nonsecure setting approved by the Department
12 of Juvenile Justice for a period of time not to exceed forty-eight (48) hours,
13 exclusive of weekends and holidays, pending a detention hearing.
- 14 (2) ~~[Beginning July 1, 2024,]~~Any child accused of committing a public offense that
15 would be considered a violent felony offense as defined in KRS 532.200 shall be
16 detained in a secure juvenile detention facility for a period of time not to exceed
17 forty-eight (48) hours, exclusive of weekends and holidays, pending a detention
18 hearing, unless the detention hearing can be held within the time allotted to peace
19 officers to retain custody of the child pursuant to KRS 610.200 or 610.220. This
20 subsection shall not apply to any child ten (10) years of age or younger.
- 21 (3) (a) Any child detained pursuant to subsection (2) of this section shall be assessed
22 by a mental health professional, whose communications with the child shall
23 be confidential in conformity with the Kentucky Rules of Evidence, to
24 determine if the child exhibits behavior that indicates the child could benefit
25 from cognitive behavioral therapy, other evidence-based behavioral health
26 programs, substance use disorder treatment, or treatment in a psychiatric
27 facility for serious mental illness.

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

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

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

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

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

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

27 (b) Except as provided in KRS 630.080(2), if it is alleged that the child is a status

1 offender, the child may be detained in accordance with Section 10 of this
2 Act~~[a secure juvenile detention facility for a period not to exceed twenty-four~~
3 ~~(24) hours after which detention shall occur in a nonsecure setting approved~~
4 ~~by the Department of Juvenile Justice]~~ pending the child's next court
5 appearance subject to the court's review of the detention order prior to the
6 next court appearance;

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

13 (d) Prior to ordering a status offender or alleged status offender who is subject to
14 a valid court order ~~[securely]~~ detained in accordance with Section 10 of this
15 Act because the child violated the valid court order, the court shall:

- 16 1. Affirm that the requirements for a valid court order were met at the time
17 the original order was issued;
- 18 2. Make a determination during the adjudicatory hearing that the child
19 violated the valid court order; and
- 20 3. Within forty-eight (48) hours after the adjudicatory hearing on the
21 violation of a valid court order by the child, exclusive of weekends and
22 holidays, receive and review a written report prepared by an appropriate
23 public agency that reviews the behavior of the child and the
24 circumstances under which the child was brought before the court,
25 determines the reasons for the child's behavior, and determines whether
26 all dispositions other than ~~[secure]~~ detention have been exhausted or are
27 inappropriate. If a prior written report is included in the child's file, that

1 report shall not be used to satisfy this requirement. The child may be
2 ~~{securely}~~detained in accordance with Section 10 of this Act for a
3 period not to exceed forty-eight (48) hours, exclusive of weekends and
4 holidays, pending receipt and review of the report by the court. The
5 hearing shall be conducted in accordance with KRS 610.060. The
6 findings required by this subsection shall be included in any order issued
7 by the court which results in the secure or nonsecure detention of a
8 status offender; and

9 (e) If the child is charged with a public offense~~{,}~~ or contempt on a public
10 offense, and the county in which the case is before the court is served by a
11 state ~~u~~-operated secure detention facility under the statewide detention plan, the
12 child shall be referred to the Department of Juvenile Justice for a security
13 assessment and placement in an approved detention facility or program
14 pending the child's next court appearance.

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

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

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

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

25 Any person who intentionally violates any of the provisions of this chapter shall be guilty
26 of a Class B misdemeanor~~, except that an intentional violation of an order issued under~~
27 ~~KRS 610.030(11) shall be referred to the county attorney for prosecution under KRS~~

1 ~~530.070(1)(c) if the case relates to truancy].~~

2 ➔Section 13. KRS 630.010 is amended to read as follows:

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

- 5 (1) The Commonwealth's courts shall utilize a separate and distinct set of guidelines for
6 status offenders which reflect their individual needs;
- 7 (2) It shall be declared to be the policy of this Commonwealth that all its efforts and
8 resources be directed at involving the child and the family in remedying the
9 problem for which they have been referred;
- 10 (3) **A status offender**~~[Status offenders shall not be detained in secure juvenile detention~~
11 ~~facilities or juvenile holding facilities after the initial detention hearing unless the~~
12 ~~child is]~~ accused of[,] or **adjudicated for the violation of**~~[has an adjudication that~~
13 ~~the child has violated]~~ a valid court order[, in which case the child] may be securely
14 detained **in accordance with Section 10 of this Act** for up to forty-eight (48) hours,
15 exclusive of weekends and holidays, pending receipt of the written report required
16 under KRS 630.080(4). Any period of secure detention prior to the detention
17 hearing shall not exceed twenty-four (24) hours, exclusive of weekends and
18 holidays;
- 19 (4) Status offenders accused of violating a valid court order shall not be securely
20 detained in intermittent holding facilities; and
- 21 (5) Status offenders accused of or found guilty of violating a valid court order shall not
22 be converted into public offenders by virtue of this conduct.

23 ➔Section 14. KRS 630.040 is amended to read as follows:

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

- 25 (1) Deliver the child suffering from a physical condition or illness which requires
26 prompt medical treatment to a medical facility or physician. Children suspected of
27 having a mental or emotional illness shall be evaluated in accordance with the

- 1 provisions of KRS Chapter 645;
- 2 (2) Contact a court designated worker who shall have the responsibility for determining
3 appropriate placement pursuant to KRS 610.200(5);
- 4 (3) If the court designated worker determines that the placements designated in KRS
5 610.200(5) and subsection (1) of this section have been exhausted or are not
6 appropriate, a child may be delivered to a secure juvenile detention facility, a
7 juvenile holding facility, or a nonsecure setting approved by the Department of
8 Juvenile Justice, in accordance with Section 10 of this Act, pending the detention
9 hearing;
- 10 (4) When the child has not been released to his or her parents or person exercising
11 custodial control or supervision, the person taking the child into custody shall make
12 a reasonable effort promptly to give oral notice to the parent or person exercising
13 custodial control or supervision of the child;
- 14 (5) In all instances the peace officer taking a child into custody shall provide a written
15 statement to the court designated worker of the reasons for taking the child into
16 custody;
- 17 (6) If the child is placed in an emergency shelter or medical facility, during the
18 adjudication and disposition of his case, the court may order his or her parents to be
19 responsible for the expense of his care; and
- 20 (7) The peace officer taking the child into custody shall within three (3) hours of taking
21 a child into custody file a complaint with the court, stating the basis for taking the
22 child into custody and the reason why the child was not released to the parent or
23 other adult exercising custodial control or supervision of the child, relative or other
24 responsible adult, a court designated agency, an emergency shelter or medical
25 facility. Pending further disposition of the case, the court or the court designated
26 worker may release the child to the custody of any responsible adult who can
27 provide adequate care and supervision.

1 ➔Section 15. KRS 630.050 is amended to read as follows:

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

6 (1) To refer the matter to the court by assisting in the filing of a petition under KRS
7 610.020;

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

11 (3) To enter into a diversionary agreement.

12 ➔Section 16. KRS 630.070 is amended to read as follows:

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

17 ➔Section 17. KRS 630.080 is amended to read as follows:

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

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

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

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

4 (2) Notwithstanding Section 10 of this Act, a status offender may be securely detained
5 if the cabinet has initiated or intends to initiate transfer of the youth by competent
6 document under the provisions of the interstate compact pursuant to KRS Chapter
7 615;

8 (3) The appropriate public agency shall:

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

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

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

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

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

27 3.~~[(c)]~~ a. Within forty-eight (48) hours after the adjudicatory hearing

on the violation of a valid court order by the child, exclusive of weekends and holidays, the court:

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

ii. Determines the reasons for the child's behavior; ~~and~~

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

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

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

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

➔Section 18. The following KRS section is repealed:

630.100 Detention of adjudicated status offender.