

JUSTICE AND PUBLIC SAFETY CABINET

Department of Juvenile Justice (New Administrative Regulation)

505 KAR 1:390. Juvenile accounts and youth activity fund account.

RELATES TO: KRS 15A.065, 15A.0652, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.160, 605.150, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.067, 15A.160, 15A.210, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes requirements for the youth activity fund for department facilities and juvenile personal funds accounts for juvenile detention centers, youth development centers, and group homes.

Section 1. Juvenile Accounts for Juvenile Detention Centers, Youth Development Centers, and Group Homes.

(1) A juvenile may have a personal financial account. The personal account shall be maintained by the DJJ facility in an account at a local bank or other financial depository. A juvenile's individual funds received from allowance, work detail, work release, and money sent to a juvenile from outside the facility shall be deposited in the juvenile's account. If any interest is earned from the bank on the account, it shall become part of the Youth Activity Fund account and used for the benefit of the juveniles.

(2) A juvenile may request a statement of deposits and expenditures for the juvenile's individual account on a periodic basis.

(3) If a juvenile has sufficient funds in the juvenile's personal account to meet the minimum deposit requirements for the outside bank at which the youth activity fund account is maintained, the juvenile may open an interest-bearing personal account at the bank. The parent or guardian of the juvenile shall be responsible for opening and maintaining the bank account for the juvenile. A juvenile shall be given notice when his or her funds are sufficient to permit the juvenile to establish a personal account.

Section 2. Youth Activity Fund Account.

(1) Each facility operated by the department shall establish an account with a local bank or other financial depository. This account shall be called the youth activity fund account. The facility shall deposit all funds earned through work projects, sales of articles produced by juveniles, and private donations received by a facility into the youth activity fund account. The funds shall be used for the benefit of the juveniles in general.

(2) The facility shall maintain an adequate accounting system to ensure an accurate accounting of the funds deposited in the youth activities fund account.

Section 3. Trustees and Management.

(1) The superintendent shall serve as primary trustee of the facility's youth activity fund account. The facility's office coordinator shall be the secondary trustee. The superintendent may designate a third trustee. The final trustee shall be the non-governmental accounts contact person in the fiscal branch.

(2) All checks written from the activity fund account shall require signatures from two (2) trustees.

(3) Bank statements for each account shall be reconciled monthly.

(4) The facility shall maintain a ledger for the youth activity funds. The ledger shall record receipts, disbursements, and maintain a positive balance.

(5) All disbursements of the fund shall be covered by a sufficient balance in the account at the time of expending or obligating. All disbursements from the account shall be properly documented with a receipt or invoice and have two-party verification. Disbursements shall not be made in cash.

(6) The youth activity account fund shall not be used for disbursements for items or services for staff.

(7) If for any reason the facility or program discontinues operation or discontinues the youth activity fund, the assets of the fund shall be frozen with no new activity obligations. Any remaining balance shall be assigned to the youth activity fund at another facility or program.

VICKI REED, Commissioner

APPROVED BY AGENCY: May 15, 2023

FILED WITH LRC: May 15, 2023 at 3:59 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 22, 2023, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.