

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Juvenile Justice**  
**(Amended After Comments)**

**505 KAR 1:350. Religious practice.**

RELATES TO: KRS 15A.065, 15A.0651, 15A.0652, 15A.067, 200.080-200.120, Chapters 600-645

STATUTORY AUTHORITY: KRS 15A.065(1), 15A.0652, 15A.160, 605.150, 610.320, 610.340, 635.095, 640.120, 645.250

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.0652, 15A.160, 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 religious practice procedures for juveniles in the custody of the department.

**Section 1. Religious Practice.**

- (1) A juvenile in custody may engage in the religious practices of the juvenile's faith. A juvenile shall not be discriminated against based on the juvenile's religious belief or practice.
- (2) DJJ shall provide a juvenile the opportunity to participate in the practices of the juvenile's faith unless it is a threat to the safety of persons involved in the activity or the safety of the facility, the activity disrupts order in the facility or interferes with the treatment goals of the juvenile, or is not available.
- (3) A juvenile's participation in religious activities shall be voluntary. A juvenile shall not be penalized for not participating in religious activities.
- (4) A juvenile may designate any or no religious preference and indicate any religious accommodation needed upon intake to a facility or any time while a juvenile resides at the facility. A juvenile shall not be harassed or ridiculed because of a religious designation or coerced toward a religious designation.

**Section 2. Religious Designation.**

- (1) Religious designation documentation shall be in writing, signed, and dated by the juvenile and DJJ staff receiving the designation.
- (2) A juvenile shall submit a request to change the juvenile's religious designation in writing.
- (3) Once a religious designation has been made, another designation cannot be made for ninety (90) days.

**Section 3. Religious Accommodation Request.**

- (1) A juvenile may request a religious item or practice that is not available at the facility, including a religious dietary accommodation.
- (2) A religious accommodation request shall be in writing, signed, and dated by the juvenile and DJJ staff receiving the accommodation request.
- (3) The religious accommodation request shall explain the item or practice wanted.
- (4) A decision regarding the accommodation request shall be made in writing within seven (7) business days from the date that it was received by DJJ staff.
- (5) Appeal. A juvenile may appeal an accommodation request that is denied.
  - (a) The appeal shall be made in writing and given to the religious program coordinator or facility manager within five (5) days after the receipt of the denial.
  - (b) The facility religious program coordinator or facility manager shall submit the appeal to the commissioner for review and disposition within three (3) business days from receipt from the juvenile.

(c) The commissioner shall review the appeal and make a written determination within five (5) days of receipt.

#### Section 4. Religious Items.

(1) A juvenile may possess items essential to the practice of the juvenile's particular religious faith, if the item is allowed pursuant to Section 1(2) of this administrative regulation.

(2) A religious item shall be subject to review before entering the facility through the accommodation process.

(a) Once an item has been approved, if money is available in the juvenile's account, the juvenile may pay for the item;

(b)

1. If money is not available in the juvenile's account, the facility religious program coordinator shall consult the parent or caregiver to discuss payment for the item; or

2. The agency religious program coordinator shall consult community religious resources for a request for a religious item for an indigent juvenile.

#### Section 5. Religious Contacts and Visits.

(1) A juvenile may have a visit from a personal minister, pastor, or religious counselor who has been designated by the juvenile and is on the approved visitor's list at scheduled times and other times as approved by the facility manager or designee.

(2) If a juvenile requests assistance in obtaining a religious counselor, the agency religious program coordinator or the facility religious program coordinator shall provide assistance to the juvenile in finding a religious counselor.

(3) A juvenile may decline a visit with a personal minister, pastor, or religious counselor.

(4) A juvenile shall be allowed to have confidential verbal communications with clergy. Written correspondence shall be subject to the security inspection outlined in 505 KAR 1:380.

#### Section 6. Volunteer minister, pastor, or religious counselors.

(1) A volunteer minister, pastor, or religious counselor, approved by the facility religious program coordinator, shall have access to each area of the facility identified for religious programming. DJJ staff shall not serve as a volunteer minister, pastor, or religious counselor in the facility at which the staff member works.

(2) A volunteer minister, pastor, or religious counselor, approved by the facility religious program coordinator, shall comply with KRS 15A.0651, 610.320, and 610.340 regarding the confidentiality of juvenile information.

(50 Ky.R. 261, 1101; eff. 3-5-2024.)

*VICKI REED, Commissioner*

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