

630.120 Conduct of dispositional hearings -- Prohibition against commitment for certain alcohol and tobacco offenses.

- (1) All dispositional hearings conducted under this chapter shall be conducted in accordance with the provisions of KRS 610.060 and 610.070. In addition, the court shall, at the time the dispositional order is issued:
 - (a) Give the child adequate and fair written warning of the consequences of the violation of the order; and
 - (b) Provide the child and the child's attorney, and parent, or legal guardian a written statement setting forth the conditions of the order and the consequences for violating the order.

An order issued pursuant to this section is a valid court order and any child violating that order may be subject to the provisions of KRS 630.080(4).

- (2) The court shall consider all appropriate local remedies to aid the child and the child's family subject to the following conditions:
 - (a) Residential and nonresidential treatment programs for status offenders shall be community-based and nonsecure; and
 - (b) With the approval of the education agency, the court may place the child in a nonsecure public or private education agency accredited by the Department of Education.
- (3) At the disposition of a child adjudicated on a petition brought pursuant to this chapter, all information helpful in making a proper disposition, including oral and written reports, shall be received by the court provided that the child, the child's parents, their counsel, the prosecuting attorney, the child's counsel, or other interested parties as determined by the judge shall be afforded an opportunity to examine and controvert the reports. For good cause, the court may allow the admission of hearsay evidence.
- (4) The court shall affirmatively determine that all appropriate remedies have been considered and exhausted to assure that the least restrictive alternative method of treatment is utilized.
- (5) The court may order the child and the child's family to participate in any programs which are necessary to effectuate a change in the child and the family.
- (6) When all appropriate resources have been reviewed and considered insufficient to adequately address the needs of the child and the child's family, the court may, except as provided in subsection (7) of this section, commit the child to the cabinet for such services as may be necessary. The cabinet shall consider all appropriate local remedies to aid the child and the child's family subject to the following conditions:
 - (a) Treatment programs for status offenders shall be, unless excepted by federal law, community-based and nonsecure;
 - (b) The cabinet may place the child in a nonsecure public or private education agency accredited by the department of education;
 - (c) The cabinet may initiate proceedings pursuant to KRS 610.160 when the

parents fail to participate in the cabinet's treatment programs; and

- (d) The cabinet may discharge the child from commitment after providing ten (10) days' prior written notice to the committing court which may object to such discharge by holding court review of the commitment under KRS 610.120.
- (7) No child adjudicated guilty of an alcohol offense under KRS 244.085 or a tobacco offense under KRS 438.305 to 438.340 shall be committed as a result of that adjudication.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 87, sec. 12, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 193, sec. 14, effective July 14, 2000. -- Amended 1988 Ky. Acts ch. 350, sec. 90, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 120, effective July 1, 1987.