

21A.192 Procedures for courts participating in pilot project authorized by KRS 21A.190.

- (1) A court chosen for the pilot project authorized by KRS 21A.190 shall, subject to written authorization by the Chief Justice:
 - (a) Open all or some of its proceedings to the public relating to cases identified in KRS 21A.190(1), subject to subsection (2) of this section;
 - (b) Set parameters for members of the public related to attendance at open proceedings and the information obtained during the proceedings; and
 - (c) Establish a procedure to require each member of the public attending a proceeding not to disclose the name or personal identifying information regarding any person who is a party to the proceeding, or person testifying at the proceeding.
- (2)
 - (a) A court chosen for the pilot project authorized by KRS 21A.190 may close the hearing or any part thereof upon motion of a party or upon its own motion if the court determines that closure is in the best interest of the child, the public, or for other good cause shown. The party seeking closure shall have the burden of proof.
 - (b) In considering whether closure of a hearing is in the best interest of the child or the public, the court shall give priority to the best interest of the child. The court shall also consider all relevant circumstances of the case, including but not limited to:
 1. The nature of the allegations;
 2. The age and maturity level of the child;
 3. The benefit to the child, family, and public of maintaining confidentiality;
 4. The benefit to the public of an open hearing;
 5. The effect of confidentiality on the fact-finding process;
 6. The wishes of the parties, victims, and the parents of any children involved in the case; and
 7. Whether reasonable alternatives to closure are available.
 - (c) The court shall make written findings of fact and conclusions of law to support an order of closure, and any order of closure shall be no broader than is necessary to protect the interests asserted by the party seeking closure.
- (3) Unless otherwise authorized by law, a court chosen for the pilot project authorized by KRS 21A.190 shall not:
 - (a) Release any record discussed at any open proceeding authorized by KRS 21A.190, prior to, at, or after the proceeding which is made confidential pursuant to law;
 - (b) Permit audio, visual, or other recording of the proceedings by any person who is attending the proceeding, a party to the proceeding, or testifying at the proceeding;

- (c) Permit any audio, visual, or other recording of the proceedings for official court purposes to be made a public record, copied, or released to the public; or
 - (d) Permit any member of the public attending the proceeding, who is not a party to the proceeding, or who is not testifying at the proceeding, to disclose the name or personal identifying information of any person who is a party to a proceeding or testifying at a proceeding, outside of the courtroom.
- (4) A person may take written notes during a hearing, as provided in KRS 21A.190, and remove them from the courtroom following the hearing, provided that no name or personal identifying information of any minor who is a party to the proceeding or testifying at the proceeding shall be taken from the courtroom. The provisions of this subsection are not intended to apply to, and shall not limit the use or publication of, any information obtained by means other than attendance at a proceeding authorized by this section.

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