505 KAR 2:040. Juvenile records.

RELATES TO: KRS 15A.210-15A.240
STATUTORY AUTHORITY: KRS 15A.210
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 mandates that the Department of Juvenile Justice issue administrative regulations governing juvenile detention centers and juvenile holding facilities.

Section 1. (1) A juvenile detention center or holding facility shall establish a written policy and procedure governing record management, including the establishment, utilization, content, privacy, security and preservation of records, and a schedule for the retirement or destruction of inactive case records. These policies and procedures shall be reviewed annually.
(2) An admittance form shall be completed for every juvenile admitted to the facility and contain at least the following information:
(a) Court case number, if any, and detention facility admission number;
(b) Date and time of admission and release;
(c) Name and nicknames;
(d) Last known address;
(e) Legal status (authority for detention);
(f) Name of attorney, if any;
(g) Name, title and signature of delivering officer;
(h) Specific charges;
(i) Sex;
(j) Date of birth;
(k) Place of birth;
(l) Race or nationality;
(m) Education and school attended;
(n) Employment, if any;
(o) Religion;
(p) Health status;
(q) Medical consent forms;
(r) Name, relationship, address and phone number of the parent, guardian, or person juvenile resides with at time of admission;
(s) Driver's license number, Social Security number and Medicaid number, if applicable;
(t) Date of petition;
(u) Court and disposition, if any;
(v) Space for remarks (to include notation of any open wounds or sores requiring treatment, evidence of disease or body vermin, or tattoos);
(w) Person recording data;
(x) Inventory of property;
(y) Emergency contact; and
(z) Suicide assessment.
(3) A juvenile detention center or holding facility shall establish a written policy and procedure providing for guidelines for the collection and retention of information pertaining to the detained juveniles.
(4) A record shall be maintained on each juvenile and include, at a minimum, the following information:
(a) Initial intake information form;
(b) Documented legal authority to accept juvenile;

(c) Information on referral source;
(d) Record of court appearances;
(e) Signed release of information forms;
(f) A record of cash and valuables held;
(g) Notations of temporary absences from the facility, if any;
(h) Visitors' names and dates of visits, if any;
(i) A record of telephone calls, if any;
(j) Probation officer or caseworker assigned;
(k) Progress reports on program involvement;
(l) Program rules and disciplinary policy signed by juvenile;
(m) Grievance and disciplinary record, if any;
(n) Referrals to other agencies, if any; and
(o) Final discharge or transfer report.

(5) A juvenile detention center or holding facility shall establish a written policy and procedure requiring the responsible staff members to make all entries into the records assigned to them, and date and sign each entry.

(6) The facility shall maintain a single master file identifying all juveniles detained in the facility.

(7) The contents of records shall be identified and separated according to an established format.

(8) The facility shall maintain a system that identifies all juveniles in custody and their actual physical locations.

(9) Except as provided in KRS 61.870 through 61.884, a juvenile detention center or holding facility shall establish a written policy and procedure providing that records are safeguarded from unauthorized and improper disclosure. Manual records shall be marked confidential and kept in locked files that shall be also marked confidential. The written policy and procedure shall provide that when any part of the information system is computerized, security ensures confidentiality.

(10) The administration shall use a consent form that complies with applicable federal and state regulations. The juvenile signs a "release of information consent form" before the release of information as required by regulation and a copy of the form is maintained in the juvenile's record.

(11) Consistent with open record statutes, written policy and procedure shall provide that individuals and agencies may have access to records for the purposes of research, evaluation and statistical analysis in accordance with a formal written agreement that authorizes access, specifies uses of data, and ensures confidentiality and security. (26 Ky.R. 1275; Am. 1545; eff. 2-14-2000.)