

15A.065 Department of Juvenile Justice -- Powers and duties -- Advisory board.

- (1) The Department of Juvenile Justice shall be headed by a commissioner and shall develop and administer programs for:
 - (a) Prevention of juvenile crime;
 - (b) Identification of juveniles at risk of becoming status or public offenders and development of early intervention strategies for these children, and, except for adjudicated youth, participation in prevention programs shall be voluntary;
 - (c) Providing educational information to law enforcement, prosecution, victims, defense attorneys, the courts, the educational community, and the public concerning juvenile crime, its prevention, detection, trial, punishment, and rehabilitation;
 - (d) The operation of or contracting for the operation of postadjudication treatment facilities and services for children adjudicated delinquent or found guilty of public offenses or as youthful offenders;
 - (e) The operation or contracting for the operation, and the encouragement of operation by others, including local governments, volunteer organizations, and the private sector, of programs to serve predelinquent and delinquent youth;
 - (f) Utilizing outcome-based planning and evaluation of programs to ascertain which programs are most appropriate and effective in promoting the goals of this section;
 - (g) Conducting research and comparative experiments to find the most effective means of:
 1. Preventing delinquent behavior;
 2. Identifying predelinquent youth;
 3. Preventing predelinquent youth from becoming delinquent;
 4. Assessing the needs of predelinquent and delinquent youth;
 5. Providing an effective and efficient program designed to treat and correct the behavior of delinquent youth and youthful offenders;
 6. Assessing the success of all programs of the department and those operated on behalf of the department and making recommendations for new programs, improvements in existing programs, or the modification, combination, or elimination of programs as indicated by the assessment and the research; and
 - (h) Seeking funding from public and private sources for demonstration projects, normal operation of programs, and alterations of programs.
- (2) The Department of Juvenile Justice may contract, with or without reimbursement, with a city, county, or urban-county government, for the provision of probation, diversion, and related services by employees of the contracting local government.
- (3) The Department of Juvenile Justice may contract for the provision of services, treatment, or facilities which the department finds in the best interest of any child, or for which a similar service, treatment, or facility is either not provided by the

department or not available because the service or facilities of the department are at their operating capacity and unable to accept new commitments. The department shall, after consultation with the Finance and Administration Cabinet, promulgate administrative regulations to govern at least the following aspects of this subsection:

- (a) Bidding process; and
 - (b) Emergency acquisition process.
- (4) The Department of Juvenile Justice shall develop programs to:
- (a) Ensure that youth in state-operated or contracted residential treatment programs have access to an ombudsman to whom they may report program problems or concerns;
 - (b) Review all treatment programs, state-operated or contracted, for their quality and effectiveness; and
 - (c) Provide mental health services to committed youth according to their needs.
- (5) (a) The Department of Juvenile Justice shall have an advisory board appointed by the Governor, which shall serve as the advisory group under the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, as amended, and which shall provide a formulation of and recommendations for meeting the requirements of this section not less than annually to the Governor, the Justice and Public Safety Cabinet, the Department of Juvenile Justice, the Cabinet for Health and Family Services, the Interim Joint Committees on Judiciary and on Appropriations and Revenue of the Legislative Research Commission when the General Assembly is not in session, and the Judiciary and the Appropriations and Revenue Committees of the House of Representatives and the Senate when the General Assembly is in session. The advisory board shall develop program criteria for early juvenile intervention, diversion, and prevention projects, develop statewide priorities for funding, and make recommendations for allocation of funds to the Commissioner of the Department of Juvenile Justice. The advisory board shall review grant applications from local juvenile delinquency prevention councils and include in its annual report the activities of the councils. The advisory board shall meet not less than quarterly.
- (b) The advisory board shall be chaired by a private citizen member appointed by the Governor and shall serve a term of two (2) years and thereafter be elected by the board. The members of the board shall be appointed to staggered terms and thereafter to four (4) year terms. The membership of the advisory board shall consist of no fewer than fifteen (15) persons and no more than thirty-three (33) persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. A majority of the members shall not be full-time employees of any federal, state, or local government, and at least one-fifth (1/5) of the members shall be under the age of twenty-four (24) years at the time of appointment. On July 15, 2002, any pre-existing appointment of a member to the Juvenile Justice Advisory Board and the Juvenile Justice

Advisory Committee shall be terminated unless that member has been re-appointed subsequent to January 1, 2002, in which case that member's appointment shall continue without interruption. The membership of the board shall include the following:

1. Three (3) current or former participants in the juvenile justice system;
 2. An employee of the Department of Juvenile Justice;
 3. An employee of the Cabinet for Health and Family Services;
 4. A person operating alternative detention programs;
 5. An employee of the Department of Education;
 6. An employee of the Department for Public Advocacy;
 7. An employee of the Administrative Office of the Courts;
 8. A representative from a private nonprofit organization with an interest in youth services;
 9. A representative from a local juvenile delinquency prevention council;
 10. A member of the Circuit Judges Association;
 11. A member of the District Judges Association;
 12. A member of the County Attorneys Association;
 13. A member of the County Judge/Executives Association;
 14. A person from the business community not associated with any other group listed in this paragraph;
 15. A parent not associated with any other group listed in this paragraph;
 16. A youth advocate not associated with any other group listed in this paragraph;
 17. A victim of a crime committed by a person under the age of eighteen (18) not associated with any other group listed in this paragraph;
 18. A local school district special education administrator not associated with any other group listed in this paragraph;
 19. A peace officer not associated with any other group listed in this paragraph; and
 20. A college or university professor specializing in law, criminology, corrections, psychology, or similar discipline with an interest in juvenile corrections programs.
- (c) Failure of any member to attend three (3) meetings within a calendar year shall be deemed a resignation from the board. The board chair shall notify the Governor of any vacancy and submit recommendations for appointment.
- (6) The Department of Juvenile Justice shall, in cooperation with the Department for Public Advocacy, develop a program of legal services for juveniles committed to the department who are placed in state-operated residential treatment facilities and juveniles in the physical custody of the department who are detained in a state-operated detention facility, who have legal claims related to the conditions of their confinement involving violations of federal or state statutory or constitutional

rights. This system may utilize technology to supplement personal contact. The Department of Juvenile Justice shall promulgate an administrative regulation to govern at least the following aspects of this subsection:

- (a) Facility access;
 - (b) Scheduling; and
 - (c) Access to residents' records.
- (7) The Department of Juvenile Justice may, if space is available and conditioned upon the department's ability to regain that space as needed, contract with another state or federal agency to provide services to youth of that agency.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 44, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 85, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 160, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 59, sec. 2, effective July 15, 2002; and ch. 263, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 426, sec. 70, effective July 15, 1998; and ch. 538, sec. 4, effective April 13, 1998. -- Created 1996 Ky. Acts ch. 358, sec. 1, effective July 15, 1996.

Legislative Research Commission Note (6/26/2007). 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.

Legislative Research Commission Note (7/15/2002). This section was amended by 2002 Ky. Acts chs. 59 and 263. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 263, which was last enacted by the General Assembly, prevails under KRS 446.250.