

610.280 Considerations for and findings from detention hearing.

- (1) At the detention hearing held pursuant to KRS 610.265, the court shall make separate findings as follows:
 - (a) If there is probable cause to believe that an offense has been committed and that the accused child committed that offense. Probable cause may be established in the same manner as in a preliminary hearing in cases involving adults accused of felonies. The child shall be afforded the right to confront and cross-examine witnesses. The Commonwealth shall bear the burden of proof, and if it should fail to establish probable cause, the child shall be released and the complaint or petition dismissed unless the court determines further detention is necessary to assure the appearance of the child in court on another pending case;
 - (b) In determining whether a child should be further detained, the court shall consider the seriousness of the alleged offense, the possibility that the child would commit an offense dangerous to himself or the community pending disposition of the alleged offense, the child's prior record, if any, and whether there are other charges pending against the child.
- (2) If, after completion of the detention hearing, the court is of the opinion that detention is necessary, the order shall state on the record the specific reasons for detention.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 257, sec. 14, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 193, sec. 6, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 606, sec. 5, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 489, sec. 5, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 350, sec. 33, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 47, effective July 1, 1987.