

610.295 Detention costs -- Assessment against parent after hearing -- Payments when adjudication based on status offense or public offense -- Payment schedule and discharge.

- (1) Any statute to the contrary notwithstanding, detention costs shall not be assessed by a court against a parent unless the court has conducted a hearing and has determined:
 - (a) That the child has previously been adjudicated as a habitual truant under KRS Chapter 630, a public offender under KRS Chapter 635, or a youthful offender under KRS Chapter 640, and now stands adjudicated guilty of a subsequent habitual truancy or public offense, or is now being considered for transfer to the Circuit Court for trial as a youthful offender; and
 - (b) That the failure or neglect of the parent to properly supervise or control the child is a substantial contributing factor of the act or acts of the child upon which the proceeding is based; and
 - (c) That the parent has the financial ability to pay any fees ordered.
- (2) Any orders for payment shall direct that payments be made to the fiscal court or legislative body of a consolidated local government, urban-county government, or charter government if detention is based upon adjudication related to a status offense and to the Department of Juvenile Justice if the adjudication is based upon a public offense or transfer as a youthful offender.
- (3) The fiscal court or legislative body of a consolidated local government, urban-county government, or charter government or the Department of Juvenile Justice, as appropriate, shall establish a payment schedule for parents against whom detention costs have been assessed, and may discharge any remaining portion of the debt upon proof of substantial change in circumstances of the parent.
- (4) The authority granted under subsection (3) of this section may be applied to all pre-existing court orders assessing detention costs in effect on July 15, 2002.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 263, sec. 5, effective July 15, 2002.