620.080 Temporary removal hearing.

(1) Unless waived by the child and his parent or other person exercising custodial control or supervision, a temporary removal hearing shall be held:

(a) Within seventy-two (72) hours, excluding weekends and holidays, of the time when an emergency custody order is issued or when a child is taken into custody without the consent of his parent or other person exercising custodial control or supervision; and

(b) In cases commenced by the filing of a petition, within ten (10) days of the date of filing.

(2) At a temporary removal hearing, the court shall determine whether there are reasonable grounds to believe that the child would be dependent, neglected or abused if returned to or left in the custody of his parent or other person exercising custodial control or supervision even though it is not proved conclusively who has perpetrated the dependency, neglect or abuse. For good cause, the court may allow hearsay evidence. The Commonwealth shall bear the burden of proof by a preponderance of the evidence and if the Commonwealth should fail to establish same, the child shall be released to or retained in the custody of his parent or other person exercising custodial control or supervision.

Effective: April 10, 1988

History: Amended 1988 Ky. Acts ch. 350, sec. 48, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 69, effective July 1, 1987.