

630.150 Effect of violation of conditions of placement -- Administrative hearing.

- (1) Any child committed to the cabinet who is placed on supervised placement from a residential treatment facility by the cabinet and who violates the terms or conditions of supervised placement may be taken into custody and returned to active custody of the cabinet by any probation officer or by any peace officer on direction of the cabinet.
- (2) The child may be taken into custody and held in one (1) of the cabinet's treatment facilities prior to the administrative hearing if a preliminary hearing is held by a person designated by the cabinet within forty-eight (48) hours of such holding to determine if there is probable cause to believe that the child violated his supervised placement conditions and, if so, to determine if the best interest of the child requires that the child be held in custody pending an administrative hearing pursuant to subsection (3) of this section. The child and his parent or other person exercising custodial control or supervision shall be given an opportunity to be heard and to be represented by counsel at the preliminary hearing.
- (3) Whether or not the child is returned to the cabinet's active custody pending a hearing, before readmitting the child to a treatment program pursuant to this section, except as provided in subsection (2) of this section, an administrative hearing shall be held within ten (10) working days of the request to readmit the child to a treatment program, unless the child and his representative request or agree to a longer period of time. The hearing shall be held by a three (3) member board designated by the cabinet to hear such matters at which time the child and his parent or other person exercising custodial control or supervision shall be given an opportunity to be heard and be represented by counsel.

Effective: April 10, 1988

History: Created 1988 Ky. Acts ch. 350, sec. 92, effective April 10, 1988.