

17.125 Agency sharing of records maintained on juvenile in facility, program, or informal adjustment -- Confidentiality -- Provision of records -- Exception -- Violation.

- (1) The following agencies are parts of Kentucky's juvenile justice system and shall, subject to restrictions imposed by state or federal law, disclose and share with each other all information they maintain on a juvenile in a facility or program or informal adjustment authorized by law:
 - (a) All sheriff's offices, police departments, and any other law enforcement agency;
 - (b) All Commonwealth's attorneys and county attorneys;
 - (c) The Attorney General;
 - (d) All jails and juvenile detention facilities, public and private;
 - (e) All courts and clerks of courts;
 - (f) The Administrative Office of the Courts;
 - (g) All departments within the Justice and Public Safety Cabinet;
 - (h) All departments within the Cabinet for Health and Family Services; and
 - (i) All family accountability, intervention, and response teams.
- (2) Except as provided in this section, all information shared by agencies specified above shall be subject to applicable confidentiality disclosure, redisclosure, and access restrictions imposed by federal or state law.
- (3) Once a complaint is filed with a court-designated worker alleging that a child has committed a status offense or public offense, all public or private elementary or secondary schools, vocational or business schools, or institutions of higher education shall provide all records specifically requested in writing, and pertaining to that child, to any of the agencies listed in subsection (1) of this section. Pursuant to the authority granted to the Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when this section refers to the release of educational records, the purpose of the release shall be limited to providing the juvenile justice system with the ability to effectively serve, prior to adjudication, the needs of the student whose records are sought. The authorities to which the data are released shall certify that any educational records obtained pursuant to this section shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. The request, certification, and a record of the release shall be maintained in the student's file.
- (4) Any request for records, the provision of records, the sharing of records, the disclosure of records, or the redisclosure of records shall be done for official purposes only, on a bona fide need to know basis, and only in connection with a legitimate investigation, prosecution, treatment program, or educational program.
- (5) Information and records relating to pending litigation in Circuit Court, District Court, or a federal court and information and records relating to an ongoing investigation are not subject to disclosure or sharing under this section.
- (6) Obtaining or attempting to obtain a record relating to a minor or by sharing or

attempting to share a record relating to a minor with an unauthorized person is a violation of this section.

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History: Amended 2014 Ky. Acts ch. 132, sec. 54, effective July 15, 2014. -- Amended 2007 Ky. Acts ch. 85, sec. 78, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 14, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 606, sec. 10, effective July 15, 1998.