

**630.080 Detention in secure juvenile detention facility or juvenile holding facility --
Limitation on detention of child.**

- (1) In order for the court to detain a child after the detention hearing, the Commonwealth shall establish probable cause at the detention hearing that the child is a status offender and that further detention of the child is necessary for the protection of the child or the community. If the Commonwealth fails to establish probable cause that the child is a status offender, the complaint shall be dismissed and the child shall be released. If the Commonwealth establishes probable cause that the child is a status offender, but that further detention of the child is not necessary for the protection of the child or the community, the child shall be released to the parent or person exercising custodial control or supervision of the child. If grounds are established that the child is a status offender, and that further detention is necessary, the child may be placed in a nonsecure setting approved by the Department of Juvenile Justice;
- (2) A status offender may be securely detained if the cabinet has initiated or intends to initiate transfer of the youth by competent document under the provisions of the interstate compact pursuant to KRS Chapter 615;
- (3) The appropriate public agency shall:
 - (a) Within twenty-four (24) hours, exclusive of weekends and holidays, of receiving notification, as provided in KRS 15A.305(3), that a status offender or alleged status offender has been detained on the allegation that the child has violated a valid court order, meet with and interview the child; and
 - (b) Within forty-eight (48) hours, exclusive of weekend and holidays, of the detention hearing required under KRS 610.265, prepare and deliver to the court the completed written report required by subsection (4) of this section and KRS 610.265 if the child remains in detention after the detention hearing, and prior to the disposition hearing if the child has not been detained; and
- (4) A status offender or alleged status offender who is subject to a valid court order may be securely detained upon a finding that the child violated the valid court order if the court does the following prior to ordering that detention:
 - (a) Affirms that the requirements for a valid court order were met at the time the original order was issued;
 - (b) Makes a determination during the adjudicatory hearing that the child violated the valid court order; and
 - (c) Within forty-eight (48) hours after the adjudicatory hearing on the violation of a valid court order by the child, exclusive of weekends and holidays, the court receives and reviews a written report prepared by an appropriate public agency that reviews the behavior of the child and the circumstances under which the child was brought before the court, determines the reasons for the child's behavior, and determines whether all dispositions other than secure detention have been exhausted or are inappropriate. If a prior written report is included in the child's file, that report shall not be used to satisfy this requirement. The child may be securely detained for a period not to exceed forty-eight (48)

hours, exclusive of weekends and holidays, pending receipt and review of the report by the court. The hearing shall be conducted in accordance with the provisions of KRS 610.060. The findings required by this subsection shall be included in any order issued by the court which results in the secure or nonsecure detention of a status offender.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 87, sec. 10, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 193, sec. 12, effective July 14, 2000. -- Amended 1988 Ky. Acts ch. 350, sec. 86, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 116, effective July 1, 1987.