

620.140 Dispositional alternatives.

- (1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have but shall not be limited to the following dispositional alternatives:
 - (a) Informal adjustment of the case by agreement, which may be entered into at any time. Informal adjustment may include an agreed plan by which:
 1. The parent or other person exercising custodial control or supervision agrees that grounds exist for a finding of dependency, neglect, or abuse, and agrees to the conditions of protective orders under paragraph (b) of this subsection for a duration of up to one (1) year;
 2. The action will be dismissed by the court, without hearing, at the end of the period agreed upon if no motion is brought alleging a violation of a protective order; and
 3. If a motion is brought alleging a violation of a protective order, a hearing will be held at which the parent or other person exercising custodial control or supervision may contest the alleged violation, but may not contest the original grounds for a finding of dependency, neglect, or abuse. If a violation is found to have occurred, the court may consider other dispositional alternatives pursuant to this section;
 - (b) Protective orders, such as the following:
 1. Requiring the parent or any other person to abstain from any conduct abusing, neglecting, or making the child dependent;
 2. Placing the child in his or her own home under supervision of the cabinet or its designee with services as determined to be appropriate by the cabinet; and
 3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter 456;
 - (c) Removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his or her home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child. If a child is to be placed with an adult relative or fictive kin the parent or other person exercising custodial control or supervision shall provide a list to the cabinet of possible persons to be considered;
 - (d) Commitment of the child to the custody of the cabinet for placement for an indeterminate period of time not to exceed his or her attainment of the age eighteen (18), unless the youth elects to extend his or her commitment beyond the age of eighteen (18) under paragraph (e) of this subsection. Beginning at least six (6) months prior to an eligible youth

attaining the age of eighteen (18), the cabinet shall provide the eligible youth with education, encouragement, assistance, and support regarding the development of a transition plan, and inform the eligible youth of his or her right to extend commitment beyond the age of eighteen (18); or

- (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-one (21) to receive transitional living support. The request shall be made by the youth prior to attaining twenty (20) years of age. A youth may opt in or out of extended commitment up to two (2) times prior to attaining twenty (20) years of age, with a ninety (90) day grace period between the time he or she exits and then reenters custody so long as there is documentation that his or her request was submitted prior to attaining twenty (20) years of age. The court may grant an extension or reinstatement of a youth's commitment even if the concurrence of the cabinet occurs after the youth attains twenty (20) years of age. Upon receipt of the request and with the concurrence of the cabinet, the court may authorize commitment up to the age of twenty-one (21).
- (2) An order of temporary custody to the cabinet shall not be considered as a permissible dispositional alternative.

Effective: April 1, 2022

History: Amended 2022 Ky. Acts ch. 75, sec. 19, effective April 1, 2022. -- Amended 2021 Ky. Acts ch. 179, sec. 1, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 132, sec. 1, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 10, sec. 6, effective June 29, 2017. -- Amended 2015 Ky. Acts ch. 102, sec. 50, effective January 1, 2016. -- Amended 2012 Ky. Acts ch. 143, sec. 2, effective July 12, 2012. -- Amended 1990 Ky. Acts ch. 253, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 350, sec. 51, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 75, effective July 1, 1987.