

**CHAPTER 2 Admissions**

<b>Number</b>	<b>Title</b>	<b>Effective Date</b>	<b>Pages</b>
200	Definitions	4/05/2019	3
201	Classification	4/05/2019	4
202	Youth Placement Priority	4/05/2019	2
203	Daily Census and Population	4/05/2019	1
204	Administrative Transfers	4/05/2019	3
205	Youth Rights	4/05/2019	5
206	Youth Access to Outside Investigative Agencies	4/05/2019	2
207	Out-of-State Placement	4/05/2019	2
	Classification and Placement Manual	4/05/2019	31



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**

**CHAPTER: Admissions**

**AUTHORITY: KRS 15A.069**

**SUBJECT: Definitions**

**POLICY NUMBER: DJJ 200**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 4/05/2019**

**APPROVAL: Carey D. Cockerell, COMMISSIONER**

**I. POLICY**

The following definitions shall apply in the Department of Juvenile Justice Policy and Procedures Manual Chapters 201 through 207.

**II. APPLICABILITY**

This policy shall apply to all DJJ staff.

**III. DEFINITIONS**


- A. "Absent With Out Leave (AWOL)" for the purpose of Interstate supervision means a youth that leaves an approved placement without advanced approval from the supervising authority.
- B. "Administrative Transfer Request (ATR)" means a request for consideration of change of extension or placement for any youth in the placement continuum.
- C. "Classification Placement" means the out-of-home placement of a committed youth as determined by Placement Services, Classification Branch which is initiated through a referral packet submitted by community staff or an ATR packet submitted by either community or facility staff.
- D. "Day Treatment" means a non-residential program providing intensive services to youth who live at home, or in a foster or group home, and report to the program as required by the program schedule.
- E. "Discrimination" means an abridgement of rights based upon a person's race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, or veteran's status.

<b>POLICY NUMBER</b> <b>DJJ 200</b>	<b>EFFECTIVE DATE:</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 3</b>
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- F. “Emergency ATR (E-ATR)” means an electronic request for transfer that is executed through supervisory channels, without committee review, and subsequently supported with written documentation.
- G. “Facility” means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals as established in 28 C.F.R. § 115.5.
- H. “Grievance” means a circumstance or action considered to be unjust and grounds for complaint under the internal grievance system.
- I. “Group Home” means a residential program emphasizing family-style living in a homelike environment that generally houses eight (8) to ten (10) youth.
- J. “Home Evaluation” means an evaluation and subsequent report of findings to determine if supervision in a proposed residence is in the best interest of the youth and the community.
- K. “Internal Investigations Branch (“IIB”)” means Office of Investigations, Office of the Secretary, Justice and Public Safety Cabinet (500 KAR 13:020).
- L. “Lateral Transfer” means the transfer of a youth from one placement to another within the same placement level.
- M. “Least restrictive alternative” is defined in KRS 600.020(38).
- N. “Maximum Secure Facility” means a juvenile residential facility that is physically secure.
- O. “Needs Assessment” means identifying dynamic or changeable risk factors, called criminogenic needs, that contribute to the youth’s likelihood of reoffending which are to be utilized in case planning allowing for the targeting of treatment interventions for the youth and family or caregiver in order to reduce recidivism.
- P. “Out-of-home placement” is defined by KRS 600.020(45).
- Q. “Physically Secure” is defined by KRS 600.020(50).
- R. “Risk Assessment” means a standardized method of data collection that estimates the likelihood that continued delinquent behaviors will occur without intervention and guides intervention planning.
- S. “Special Incident” means an act in which the health or welfare of a resident is harmed or threatened with harm by an offender, including if an offender:
  - 1. Uses inappropriate or excessive force that results in injury;
  - 2. Uses inappropriate or excessive force that could result in an injury;

<b>POLICY NUMBER</b> <b>DJJ 200</b>	<b>EFFECTIVE DATE:</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>3 of 3</b>
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3. Engages in any sexual activity to include any contact or interaction, which uses or allows, permits or encourages the use of a resident for the sexual gratification of the offender or another person;
  4. Uses inappropriate consequences as punishment such as exercise, harsh physical labor, or other physical consequences outside accepted practices.
- T. “Specialized Programming” means DJJ-operated or, if reasonably available, private child care programs that provide specialized treatment services to identified populations served by the Department. This may include sexual offender treatment programs or programs for youth with identified mental health needs such as youth with severe emotional disability.
- U. “Staff Secure” is defined by KRS 600.020(64).
- V. “Step Down” means the transfer of a youth from a higher level placement to a lower level placement.
- W. “Step Up” means the transfer of a youth from a lower level placement to a higher level placement.
- X. “Treatment Team” means the professionals, youth, family members, and other supporters who work in conjunction to assist and support youth in achieving goals.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES: 3-JTS-1A-06; 5B-01, 07, 08 3-JCRF-5B-02 1-JBC-5B-01, 02, 06</b>
<b>CHAPTER: Admissions</b>	<b>AUTHORITY: KRS 15A.069</b>	
<b>SUBJECT: Classification</b>		
<b>POLICY NUMBER: DJJ 201</b>		
<b>TOTAL PAGES: 4</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell, COMMISSIONER</b>		

## I. POLICY

Youth committed or sentenced to the Department of Juvenile Justice (DJJ) shall be assessed and placed based upon the least restrictive environment within which the youth's treatment needs can safely be met, identifying special needs of a youth, and identifying the level of structure and supervision required by a youth subject to bed availability. The overall authority and responsibility for classification in the Department has been assigned to the Classification Branch.

- A. The Department shall provide services to youth without discrimination as to race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.
- B. Youth shall not be admitted to the Department program or contracted agency if detoxification from alcohol or drugs is required. If detoxification is required, medical clearance shall be submitted in writing prior to admission.
- C. Only youth who are adjudicated for offenses that would be crimes if committed by adults and are committed or sentenced to the Department of Juvenile Justice shall be placed by DJJ.
- D. This policy shall not be intended to address procedures for admission into detention facilities, alternatives to detention, or day treatment programs operated by or under contract with the Department of Juvenile Justice.

## II. APPLICABILITY

<b>POLICY NUMBER</b> <b>DJJ 201</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 4</b>
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This policy shall apply to all DJJ community offices, contracted placements, and programs of the Department and to the youth committed or sentenced to the Department.

### **III. DEFINITIONS**

Refer to Chapter 200.

### **IV. PROCEDURES**

- A. The Classification Branch staff shall utilize the classification manual containing all of the classification procedures. This manual shall be available to all staff and shall be reviewed at least annually by the Director of Placement Services and the Classification Branch Manager.
- B. The Juvenile Service Worker (JSW) shall utilize the Classification and Placement Manual in making dispositional recommendations to the court.
- C. An initial placement referral may be submitted by the JSW or the Juvenile Services Specialist (JSS) as a result of an initial commitment to the department.
- D. The initial placement referral packet shall contain a copy of the commitment or sentencing order, petitions, and written justification if applicable and available. The referral packet may contain the justification for placement, the risk assessment, needs assessment, educational records, psychological assessments, psychiatric assessments, sex offender assessments, discharge summaries from other programs, incident reports, prior probation violation reports, predisposition, or presentence reports.
- E. The Classification Branch Manager or designee shall review the initial placement packet.
- F. The Classification Branch staff shall make the decision regarding the placement of the youth.
- G. The Level of Placement Continuum:
  - Level 0 Home or other placement arranged by parent or guardian on conditions of supervision, as defined by DJJPP Chapter 6 (Definitions).
  - Level 1 Therapeutic Foster Care (TFC), Independent Living Program (ILP).
  - Level 2 Group Home, Private Child Care Providers (PCC).

<b>POLICY NUMBER</b> <b>DJJ 201</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>3 of 4</b>
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Level 3 Staff Secure Youth Development Centers (YDC).

Level 4 Maximum Secure YDC.

No Level Psychiatric Residential Treatment Facility (PRTF), Psychiatric Hospital admissions facilitated by the Classification Branch.

H. Overrides, which shall be documented, may be utilized to move a youth up or down in the placement level continuum to better meet treatment needs.

I. Commitment and Out-of-Home Timeframes

1. Youth who are committed on a Class A or B Misdemeanor (excluding declared JSOs or offenses involving a deadly weapon) shall be subject to the following timeframes:

- a. A maximum of four (4) months of out-of-home placement pursuant to KRS 15A.0652.
- b. An extension of the length of out-of-home placement pursuant to KRS 15A.0652 may be considered as referenced in The Classification and Placement Manual section VII. Administrative Transfer Request (ATR).
- c. Maximum commitment timeframe is not to exceed twelve (12) months pursuant to KRS 635.060.
- d. Unless the ATR Committee has authorized the extension of placement, the youth shall be released at the end of the statutory timeframe for out-of-home placement.

2. Youth who are committed on a Class D Felony (excluding declared JSOs or offenses involving a deadly weapon) shall be subject to the following timeframes:

- a. A maximum of eight (8) months of out-of-home placement pursuant to KRS 15A.0652.
- b. An extension of the length of out-of-home placement pursuant to KRS 15A.0652 may be considered as referenced in The Classification and Placement Manual section VII. Administrative Transfer Request (ATR).
- c. Maximum commitment timeframe shall not exceed eighteen (18) months pursuant to KRS 635.060.


<b>POLICY NUMBER</b> <b>DJJ 201</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>4 of 4</b>
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- d. Unless the ATR Committee has authorized the extension of placement, the youth shall be released at the end of the statutory timeframe for out-of-home placement.
3. Any time spent in an out-of-home placement shall count toward the maximum out-of-home time allowed by statute.

**V. MONITORING MECHANISM**

Monitoring shall be done by the Director of Placement Services, Quality Assurance Branch, and the Classification Branch Manager.



	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES:</b>
<b>CHAPTER: Admissions</b>		<b>AUTHORITY: KRS 15A.069</b>
<b>SUBJECT: Youth Placement Priority</b>		
<b>POLICY NUMBER: DJJ 202</b>		
<b>TOTAL PAGES: 2</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell , COMMISSIONER</b>		

**I. POLICY**

The Classification Branch shall maintain a waiting list if appropriate bed space is not available at the time of classification and prioritize placement of youth consistent with this policy and statutory timeframe.

**II. APPLICABILITY**

This policy shall apply to all Department of Juvenile Justice (DJJ) community offices, contracted placements, programs of the Department, and to the youth committed or sentenced to the Department.

**III. DEFINITION**

Refer to Chapter 200.

**IV. PROCEDURES**

- A. If bed space is not immediately available, youth shall be placed on a waiting list using the date the classification was finalized by the Classification Branch.
- B. When a youth is awaiting placement by Classification and is on the waiting list, the Juvenile Service Worker (JSW) or the Juvenile Services Specialist (JSS), shall:
  - 1. Keep the Classification Branch staff apprised of the youth’s circumstances; and
  - 2. Monitor the youth in non-DJJ detention facilities.
- C. Detention timeframes for youth awaiting placement shall be as follows:
  - 1. Pursuant to KRS 635.060(4)(c)(1), a youth committed to the Department of Juvenile Justice and remanded to detention pending


<b>POLICY NUMBER</b> <b>DJJ 202</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 2</b>
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placement shall be placed within thirty-five (35) days after disposition.

2. Pursuant to KRS 640.030(2), a youth sentenced as a youthful offender (YO) and remanded and detained to the custody of the Department of Juvenile Justice shall be placed within sixty (60) days following sentencing.
  3. Pursuant to 505 KAR 1:090, a youth who has remained in detention during the revocation process shall be placed, to the extent possible, within ten (10) business days, following the decision to revoke.
- D. Pursuant to KRS 15A.0652(3), if out-of-home placement is warranted, priority for placement shall be given to youth committed on misdemeanor offenses, other than a violation of KRS Chapter 510 (Sexual Offenses) or an offense involving a deadly weapon.
- E. Pursuant to KRS 15A.0652(3), second priority shall be given to youth committed for an offense that is categorized as a Class D felony, other than a violation of KRS Chapter 510 (Sexual Offenses) or an offense involving a deadly weapon.
- F. The waiting list shall be monitored by the Classification Branch staff and the Deputy Commissioner of Program Operations on a daily basis, excluding weekends and holidays.

**V. MONITORING MECHANISM**

Monitoring shall be by the Classification Branch Manager or designee and the Deputy Commissioner of Program Operations.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES: 3-JTS-3A-03 1-JBC-3A-13</b>
<b>CHAPTER: Admissions</b>		<b>AUTHORITY: KRS15A.069</b>
<b>SUBJECT: Daily Census and Population</b>		
<b>POLICY NUMBER: DJJ 203</b>		
<b>TOTAL PAGES: 1</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell , COMMISSIONER</b>		

**I. POLICY**

The Classification Branch shall be responsible for reviewing and monitoring a daily census and population count of all youth housed in Department of Juvenile Justice (DJJ) operated programs and contract agencies, excluding weekends and holidays.

**II. APPLICABILITY**

This policy shall apply to all DJJ or contract residential facilities.

**III. DEFINITION**


Refer to Chapter 200.

**IV. PROCEDURES**

- A. Each DJJ facility, contracted private childcare, and therapeutic foster care provider shall submit population reports daily by 10 AM EST, excluding weekends and holidays, to the Classification Branch via online population report, email, fax, or telephone.
- B. The daily population report shall be compiled and reviewed by the Classification Branch and provided to the Facilities Regional Administrators, Community Service Regional Managers, Regional Directors, Deputy Commissioners, and Commissioner.

**V. MONITORING MECHANISM**

Monitoring shall be done by the Classification Branch.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES: 3-JTS-3D-07; 5I-17 3-JCRF-5B-10</b>
	<b>CHAPTER: Admissions</b>	<b>AUTHORITY: KRS 15A.069</b>
<b>SUBJECT: Administrative Transfers</b>		
<b>POLICY NUMBER: DJJ 204</b>		
<b>TOTAL PAGES: 3</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

The Department of Juvenile Justice (DJJ) shall transfer youth within the placement continuum as needed.

## **II. APPLICABILITY**

This policy shall apply to DJJ community offices, facilities, contracted classification placement staff, and to the youth committed or sentenced to the Department.

## **III. DEFINITIONS**

Refer to Chapter 200.

## **IV. PROCEDURES**

- A. An Administrative Transfer Request (ATR) shall be submitted for any committed youth for whom a change or extension within the placement continuum is requested as outlined in the Classification and Placement Manual.
- B. The ATR Committee shall consist of:
  1. Deputy Commissioner of Operations (Chairperson);
  2. Division Director of Community and Mental Health Services;
  3. Chief of Mental Health Services;
  4. Director of Medical Services;
  5. Director of Placement Services;
  6. Classification Branch Manager; and
  7. Division Directors from Residential Services.

<b>POLICY NUMBER</b> <b>DJJ 204</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 3</b>
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8. Each ATR Committee member may be represented by a designee.
- C. If an extension of out-of-home placement timeframes is requested, one of the following criteria shall be present and documented in the ATR request:
1. Safety concerns for the community or youth exist based on current behavior;
  2. The pending outcome of a Department of Community Based Services (DCBS) investigation on the proposed placement residence, when no other community residence is viable;
  3. The pending outcome of an Interstate Compact referral for a proposed home evaluation or courtesy supervision, when no other community residence is available;
  4. Further out-of-home placement is necessary for completion of treatment;
  5. Youth requests extension due to being fearful to return to the community based on historical threats of violence or retaliation from community acquaintances;
  6. Youth requests extension of timeframe for educational purposes or independent living arrangements not to exceed thirty (30) days; and
  7. The occurrence of a revocation of supervised placement as a result of the issuance of the decision letter from the Director of Community and Mental Health Services for detention or placement.
- D. A request for an Emergency ATR (E-ATR) for an immediate change in classification placement of any committed public offender or sentenced youthful offender currently in classification placement shall be submitted through the chain of command to:
1. The Division Director of Community and Mental Health Services or designee for youth who are placed in a hospital, private child care (PCC), or therapeutic foster care (TFC) setting; or
  2. The respective Regional Division Director or designee for youth placed in a DJJ operated program.
- E. The major criterion for an E-ATR shall be that the youth cannot be safely maintained in the current placement. Criteria for an E-ATR may include:
1. Absent Without Leave (AWOL) attempt in a Group Home setting;
  2. Documented assaultive behavior towards residents or staff after appropriate disciplinary actions are utilized;

<b>POLICY NUMBER</b> <b>DJJ 204</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>3 of 3</b>
--	---	-------------------------------------

3. Medical or psychiatric conditions arise for which treatment in current setting is not available;
  4. De-Certification by Medicaid in a hospital placement; and
  5. Youth AWOL from placement and picked up on a Commissioner's Warrant with time expiring (KRS 635.100(1) and (4)).
  6. An extension of the out-of-home placement timeframe has become necessary based on information meeting criteria in the Classification and Placement Manual section VII. H., which was not present prior to twenty-one (21) days of the youths anticipated release.
- F. The appropriate Division Director or designee shall forward the approved E-ATR to the Classification Branch and complete notification by phone or e-mail. Classification Branch staff shall review the E-ATR.
1. If criteria are met for a request for lateral level placement, the Classification Branch Manager or designee shall review the request and take action relating to placement.
  2. If criteria are met for a request for higher level placement, Classification Branch staff shall present the E-ATR to the Deputy Commissioner of Program Operations or designee for final approval.

**V. MONITORING MECHANISM**

Monitoring of this activity shall be by the Classification Branch Manager, Quality Assurance Branch, and the Division Directors on an on-going basis.



**JUSTICE AND PUBLIC SAFETY  
CABINET DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**505 KAR 1:100**

**REFERENCES:**

3-JTS-1E-04, 07; 1F-05; 2D-01; 3C-10-24; 3D-01-09; 4A-07, 09, 14; 4B-10, 12-14; 4C-07; 5A-05; 5B-05; 5D-01, 17; 5E-05; 5F-06; 5G-04; 5H-02, 11, 13  
3-JDF-1E-05, 08; 1F-08; 2D-01; 3C-10-21; 3D-01-08; 4A-06, 08, 13; 4B-10, 12-14; 4C-07; 5A-16; 5B-05; 5C-01, 05; 5D-03; 5E-04; 5F-03; 5G-02, 11, 12  
3-JCRF-1E-05, 07; 1F-09; 2D-01; 3C-03-16; 3D-01-07; 4A-05, 06, 10; 4B-06, 08, 09; 4C-02, 5A-09; 5B-03; 5D-01, 02; 5E-01; 5F-01; 5G-01, 05, 06  
1-JDTP-1E-04, 07; 1F-07; 3C-06; 3D-01, 05, 09, 11, 14, 17, 19, 23, 26, 27; 3E-04  
1-JBC-1E-07, 08; 1F-06; 2D-01; 3C14-23; 3D-01-08; 4A-05, 06, 12; 4B-10-12; 4C-07; 5A-07; 5B-05; 5D-01, 13; 5E-01; 5F-04; 5G-04; 5H-02, 03, 11, 13

<b>CHAPTER: Admissions</b>	<b>AUTHORITY: KRS 15A.069</b>
<b>SUBJECT: Youth Rights</b>	
<b>POLICY NUMBER: DJJ 205</b>	
<b>TOTAL PAGES: 5</b>	
<b>EFFECTIVE DATE: 4/05/2019</b>	
<b>APPROVAL: Carey D. Cockerell</b>	<b>, COMMISSIONER</b>

**I. POLICY**

Upon admission to a Department of Juvenile Justice (DJJ) program, youth shall be advised of their rights, duties, and responsibilities including their right to file a grievance.

**II. APPLICABILITY**

This policy shall apply to all DJJ residential facilities, Day Treatment programs, and Private Child Care Providers. DJJ youth in other types of community or out-of-home placements shall have the right to file a Service Complaint with the Department of Juvenile Justice.

**III. DEFINITIONS**

Refer to Chapter 200.

**IV. PROCEDURES**

<b>POLICY NUMBER</b> <b>DJJ 205</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>Page 2 of 5</b>
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Written enumeration of rights shall be provided to each youth during the admission process and signed by the youth. The original shall be filed in the youth's record and a copy shall be provided to the youth. The following rights shall be afforded to all youth:

- A. Youth shall have the right of access to the courts and confidential contact with attorneys.
- B. Youth shall not be subject to and shall be free from discrimination. It shall be prohibited to discriminate based on a youth's race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status in making administrative decisions and in providing access to programs.
- C. Youth shall have access to the communication media through written requests or through media visits. All requests shall be subject only to the limitations necessary to maintain order and security and to protect the youth's rights, or as provided by law. Requests for media contact shall be acted upon in accordance with DJJPP Chapter 1 (News Media Contacts).
- D. Youth and parents or guardians shall be involved in the treatment planning process to the maximum extent possible. Youth have the right to attend treatment planning meetings unless the behavior of the youth prohibits participation. The assigned counselor shall provide the youth with an explanation of his treatment plan, in lieu of the youth's attendance.
- E. Confidentiality of the youth's record shall be maintained as provided by statutes and department policy (Reference KRS 610.320, 610.340 and 635.120).
- F. Audiovisual or tape recordings used as a part of the youth's treatment shall only be used for teaching or therapy purposes with written permission from youth and parents or guardians.
- G. With the prior written consent of the youth and the parent or guardian, youth may participate in research studies approved by the Commissioner's Office.
- H. Youth shall be treated in a humane manner and shall have the right to be protected from exploitation, neglect, and physical, sexual, and emotional abuse. This shall include corporal punishment, intentional injury, use of intimidation, threatening, or abusive language toward the youth, either verbally, in writing, or by gesture. Any suspected abuse or neglect of youth shall be reported in accordance with KRS 620.030 and DJJPP Chapter 1 (Staff Code of Ethics).
- I. Youth charged with major rule violations shall be afforded due process, including the right to appeal.
- J. All youth shall be provided due process consisting of notice of intent to transfer to another out-of-home placement, and an opportunity for the youth to respond either verbally or in writing at the time of notice. In the case of



<b>POLICY NUMBER</b> <b>DJJ 205</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>Page 3 of 5</b>
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emergency transfers, the youth shall be provided the aforementioned due process as soon as practical.

- K. There shall be equal access to programs and services for male and female youth in out-of-home placement.
- L. At least two hours of recreation, one hour of which shall be active recreation, shall be provided per day in group homes, youth development centers and detention programs, under the direction of a designated recreation leader. Special arrangements to provide this hour of recreation shall be made if the youth is to be separated from the group. Day Treatment programs shall provide a recreation program approved by the Regional Director. Under circumstances involving a medical condition, a youth may be denied recreational activity on a day-to-day basis. The youth's recreational privileges shall be restored with the approval of authorized medical personnel.
- M. An academic and vocational program to meet individual youth's needs shall be provided in accordance with applicable education statutes.
- N. Each group home, residential and detention program shall designate space and time frames for the youth to participate in religious activities. Participation in religious services shall be voluntary. There shall be no reprisal against any youth in regard to choice for participation in religious services. However, religious practices that pose a danger to the youth, other youth, or staff, or that create a danger to the security of the facility shall be prohibited.
- O. Youth shall have the right to refuse to participate in uncompensated work assignments unless the work is related to housekeeping or maintenance of the facility or personal hygienic needs, or the work is part of an approved vocational or training program.
- P. Access to medical, dental and mental health care, including twenty-four (24) hour emergency medical services, shall be provided, excluding Day Treatment.
- Q. Living units shall be provided with adequate lighting, heat, ventilation and an overall safe environment maintained in compliance with state and local fire and safety laws and regulations.
- R. Youth may wear personal clothing consistent with program guidelines or wear combinations of personal and facility clothing. Youth's clothing shall be kept clean, maintained in good repair and shall be sufficient to meet seasonal and protective needs of the youth.
- S. A personal property inventory of all possessions shall be made for newly admitted youth in residential facilities. The inventory shall indicate which property is being held until discharge and shall be signed by the youth. This inventory shall be made a part of the youth's record with the youth receiving a copy. Whenever possible, property of the youth which is inappropriate for

<b>POLICY NUMBER</b> <b>DJJ 205</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>Page 4 of 5</b>
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possession in a residential placement shall be returned to the parents or legal guardians of the youth. Returned items shall be listed on the property inventory with a notation listing the date and to whom the items were returned. Currency shall be refunded or released to youth only during normal business hours. In an ATR situation, currency shall be available to the youth within seven (7) days of transfer.

- T. Clean bedding, linens, towel, and washcloth shall be provided to each youth in residential facilities (to include two (2) sheets, a pillow and pillowcase, mattress, and sufficient blankets to provide comfort under existing temperatures). Linen exchange shall be made at least once a week.
- U. Youth shall be afforded daily opportunity for personal hygiene.
- V. Personal hygiene articles shall be provided to each youth in residential facilities. At a minimum, the following items shall be available in each program and shall be replenished as needed: combs, shampoo, soap, deodorant, toothpaste, toothbrush, and sanitary products.
- W. Three meals a day and an evening snack shall be provided to each youth in residential facilities. Special diets shall be provided when necessary to meet health or religious requirements.
- X. Youth shall be afforded the opportunity for a sufficient night's sleep in residential facilities.
- Y. Reading materials shall be provided to the youth during approved reading times. Sufficient lighting for reading shall be provided.
- Z. Youth shall have the right to receive visits, subject only to the limitations necessary to maintain order and security, or where visitation is determined by the treatment team to be detrimental to the youth's progress. Each program shall specify or designate day, time, and area for visitation. Procedures for visitation in group homes and youth development centers shall relate to treatment of the youth as specified in the treatment plan.
- AA. Youth in group homes, residential and detention programs shall have the right to send mail, excepting commercial enterprise ventures, and shall be provided up to five (5) postage stamps weekly, excluding legal correspondence and subject to any limitation contained in DJJPP Chapters 3 (Family and Community Contacts: Mail, Telephone, and Visitation) and 7 (Family and Community Contact). Youth shall not bear the cost of postage.
- BB. Youth in Day Treatment shall have access to a telephone to initiate and receive emergency personal calls. Youth in detention shall have the right to make successful contact with family members, attorneys, or other approved individuals during the admission process. Each youth in group homes, residential and detention programs shall be provided access to the telephone to make and receive personal calls, within the limits of the orderly operation of the facility, in order to maintain community and family ties and maintain contact with attorneys.


<b>POLICY NUMBER</b> <b>DJJ 205</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>Page 5 of 5</b>
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CC. Youth shall have the right to report any problems or complaints without fear of reprisal. There shall be a written grievance procedure, which shall be explained and posted in living and program areas, which allows for at least one (1) level of appeal.

DD. Youth who believe that their rights have been violated shall have the right to file a grievance as set forth in DJJPP Chapter 3 and 11 (Grievance Procedure) for youth in a day treatment, group home, or YDC or a service complaint as set forth in DJJPP Chapter 6 (Service Complaints) for youth in community or other placements.

**V. MONITORING MECHANISM**

The Facility Superintendent, Facilities Regional Administrator or Regional Director, and Ombudsman shall monitor these activities.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES: 3-JTS-3D-06 3-JDF-3D-06 3-JCRF-3D-05 1-JDTP-3E-03 1-JBC-3D-07 1-SJD-3D-06</b>
<b>CHAPTER: Admissions</b>		<b>AUTHORITY: KRS 15A.069</b>
<b>SUBJECT: Youth Access to Outside Investigative Agencies</b>		
<b>POLICY NUMBER: DJJ 206</b>		
<b>TOTAL PAGES: 2</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell</b>		<b>, COMMISSIONER</b>

**I. POLICY**

Youth placed in Department of Juvenile Justice (DJJ) operated day treatment and residential facilities or contracted residential facilities shall have access to outside investigative agencies for the reporting of any act in which the health or welfare of a resident is harmed or threatened with harm by another youth or facility staff person.

**II. APPLICABILITY**

This policy shall apply to all DJJ residential facilities, day treatment programs, and Private Child Care Providers (PCC).

**III. DEFINITIONS**

Refer to Chapter 200.

**IV. PROCEDURES**

- A. In accordance with KRS 15A.020 and 500 KAR 13:020, the Internal Investigations Branch (IIB) of the Justice and Public Safety Cabinet shall conduct investigations of all allegations of special incidents at all residential treatment and youth development centers, group homes, and detention centers operated by or contracted with DJJ. Additionally, IIB may investigate allegations and incidents as outlined in 500 KAR 13:020.
- B. Accessing the IIB:
  - 1. Upon admission, the Superintendent or designee shall inform each youth, both verbally and in writing, of procedures concerning how outside investigative units may be contacted for the reporting of any act in which the


<b>POLICY NUMBER</b> <b>DJJ 206</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 2</b>
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health or welfare of a resident is harmed or threatened with harm by a facility staff person. The youth shall sign acknowledging receipt of such procedures. This signed acknowledgement shall be placed in youth's record.

2. Telephones programmed to dial directly to the IIB shall be installed, and kept in good working order in each residential facility.
  3. A toll-free number for contacting the IIB shall be available and conspicuously posted in youth access areas of group homes and detention facilities.
  4. Telephones shall be located in areas that provide maximum availability while preserving program scheduling and services.
- C. Youth involved in day treatment or any other community-based DJJ program may also report allegations of special incidents to the Cabinet of Health and Family Services (CHFS) office.

#### **V. MONITORING MECHANISM**

This activity shall be monitored by the Superintendent, Division of Program Services, and Regional Director or designee.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>505 KAR 1:100 REFERENCES:</b>
<b>CHAPTER: Admissions</b>		<b>AUTHORITY: KRS 15A.069</b>
<b>SUBJECT: Out-of-State Placement</b>		
<b>POLICY NUMBER: DJJ 207</b>		
<b>TOTAL PAGES: 2</b>		
<b>EFFECTIVE DATE: 4/05/2019</b>		
<b>APPROVAL: Carey D. Cockerell</b>		<b>, COMMISSIONER</b>

**I. POLICY**

Referrals for out-of-state purchase of care may be initiated if there are no resources within Kentucky to meet the youth’s specific treatment needs.

**II. APPLICABILITY**

This policy shall apply to all youth committed to the Department of Juvenile Justice who are being referred for out-of-state placement.

**III. DEFINITION**

Refer to Chapter 200.

**IV. PROCEDURE**

- A. Referrals for the placement of a youth to an out-of-state residential facility shall be made through supervisory channels of the Classification Branch and approved by the Administrative Transfer Request (ATR) committee.
- B. Prior to an out-of-state placement, the Classification Branch Manager or designee shall complete a diligent search process to all appropriate in-state private child care providers and residential psychiatric hospitals. If the youth is rejected by all appropriate in-state child care provider and residential psychiatric hospitals, the Classification Branch Manager shall obtain a written rejection from all sources and document the rejections.
- C. The Classification Branch Manager or designee shall obtain approval for out-of-state referral from the Commissioner or designee.
- D. The Classification Branch Manager or designee shall collaborate with the Treatment Team and the case manager for the Managed Care Organization (MCO) to make the referral to out-of-state residential program or psychiatric hospital.

<b>POLICY NUMBER</b> <b>DJJ 207</b>	<b>EFFECTIVE DATE</b> <b>4/05/2019</b>	<b>PAGE NUMBER</b> <b>2 of 2</b>
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- E. Once notification of acceptance has been received by the Classification Branch Manager or designee the following is required:
1. The Classification Branch Manager or designee shall contact the Deputy Compact Administrator to complete the required Interstate Compact Placement of Children (ICPC) referral and coordinate transportation.
  2. Upon notification that the placement has been approved and the financial arrangements are finalized, the Juvenile Service Worker (JSW) shall schedule a court hearing in compliance with KRS 615.030. A copy of the court calendar listing the results of the court hearing shall be transmitted to the Compact Administrator.

**V. MONITORING MECHANISM**

The Division of Program Services and the Division of Placement Services shall ensure that on-site monitoring of the out-of-state purchase of care facility maintains a valid Kentucky Medicaid License.

# **Classification and Placement Manual**

**Kentucky Department of Juvenile Justice**

**Effective 4/05/2019**



**Table of Contents**

I. MISSION STATEMENT AND DEFINITIONS.....3

II. DISPOSITIONAL RECOMMENDATION.....6

    Table 1. Dispositional Matrix.....10

    Table 2. Dispositional Matrix Offenses Involving a Deadly Weapon, Sexual Offenses, and Youthful Offenders.....11

III. INTERSTATE COMPACT.....12

IV. PLACEMENT CONTINUUM AND TIMEFRAMES .....13

V. INITIAL PLACEMENTS.....15

    Table 3. Initial Placement Matrix (Excluding Juvenile Sexual Offenders).....20

    Table 4. Initial Placement Matrix for Declared Juvenile Sexual Offenders.....21

VI. OVERRIDES OF INITIAL CLASSIFICATION PLACEMENT DECISIONS.....22

VII. ADMINISTRATIVE TRANSFER REQUEST (ATR).....24

    ADMINISTRATIVE REVOCATION PACKET.....26

VIII. EMERGENCY ADMINISTRATIVE TRANSFER REQUEST (E-ATR).....31

## **I. MISSION STATEMENT AND DEFINITIONS**

### **A. Mission Statement:**

The Kentucky Department of Juvenile Justice (DJJ) provides a range of services to sentenced, committed, probated, and detained youth and their families, creating opportunities for those youth to develop into productive, responsible citizens while enhancing public safety.

### **B. Definitions:**

1. “Adjudication” means a judicial determination (judgment) that a juvenile is responsible for a public offense or status offense that is charged in a petition or other charging document.
2. “Administrative Transfer Request (ATR)” means a request for consideration for any committed youth for whom a change or extension within the placement continuum is requested.
3. “Absent Without Leave (AWOL)” means a youth that leaves an approved placement without advanced approval from the supervising authority or is absent from an approved community setting for more than three (3) hours without notification.
4. “Child and Adolescent Service Intensity Instrument (CASII)” means a mental health assessment tool that determines the type of mental health treatment needed for a child or adolescent and level of placement.
5. “Classification” means a system for determining the least restrictive environment within which the youth’s treatment needs can safely be met, identifying special needs of a youth, and identifying the level of structure and supervision required by a youth.
6. “Classification placement” means the out-of-home placement of a committed youth as determined by Placement Services, Classification Branch which is initiated through a referral packet submitted by community staff or an ATR packet submitted by either community or facility staff.
7. “Commitment” means an order of the court which places a child under the custodial control or supervision of DJJ in compliance with KRS 635.060.
8. “Dispositional Matrix” means a structured decision making tool used for providing dispositional recommendations to District Court and sentencing information in conjunction with the Pre-Sentencing Investigation Report to Circuit Court.

9. "Group Home (GH)" means a residential program emphasizing family-style living in a homelike environment that generally houses eight (8) to ten (10) youth.
10. "Independent Living Program (ILP)" means those activities necessary to assist a committed youth to establish independent living arrangements. Reference KRS 600.020(35).
11. "Maximum Secure Facility" means a juvenile residential facility that is physically secure.
12. "Needs Assessment" means identifying dynamic or changeable risk factors, called criminogenic needs, that contribute to the youth's likelihood of reoffending which are to be utilized in case planning allowing for the targeting of treatment interventions for the youth and family or caregiver in order to reduce recidivism.
13. "Out-of-home placement" is defined by KRS 600.020(45).
14. "Physically Secure" is defined by KRS 600.020(50).
15. "Placement" means the assigned residence of a youth in the placement continuum that ranges from Level 0 through Level 4, with Level 0 being community placement under conditions of supervised placement, and Level 1 through 4 placements being determined by the Division of Placement Services, Classification Branch.
16. "Placement Matrix" means a structured decision making tool to identify initial placement options for public offenders, declared juvenile sexual offenders, and youthful offenders based on offense severity and risk to reoffend.
17. "Predisposition Investigation Report (PDI)" means a report based on an investigation concerning the nature of the specific act complained of, and any surrounding circumstance which suggests the future care and guidance which should be given to the youth. This investigation shall be provided to the court in a written format. Reference KRS 610.100.
18. "Presentencing Investigation Report (PSI)" means a report by which relevant information on the youth and family is collected to assist the Circuit Court in determining a sentencing recommendation for a youthful offender, following conviction. Reference KRS 640.010.
19. "Private Child Care (PCC)" means a privately owned and operated agency or company that provides residential services for the youth in accordance with contracts or agreements with the Department of Juvenile Justice.

20. “Probation” means a case in which the youth is placed on court-ordered supervision.
21. “Psychiatric Residential Treatment Facility (PRTF)” is defined in KRS 216B.450.
22. “Risk Assessment” means a standardized method of data collection that estimates the likelihood that continued delinquent behaviors will occur without intervention and guides intervention planning.
23. “Staff Secure” is defined by KRS 600.020(64).
24. “Supervised Placement” means the assigned residence of a committed youth in Level 0 community placement.
25. “Suspended / Probated Commitment” means if a youth is eligible for commitment and the court believes community services exist for the child to be successful that commitment may be probated.
26. “Therapeutic Foster Care (TFC)” means a classification placement providing twenty-four (24) hour care for a youth in the private home of an individual or family. The foster care agency provides therapeutic and treatment services to foster parents and youth. Such placement shall be arranged by DJJ through a properly licensed provider with a therapeutic foster care component.
27. “Treatment” means the provision of professional services and evidenced based practices to address behavioral, educational, psychological, and medical needs as determined by appropriate assessments.
28. “Treatment Team” means the professionals, youth, family members, and other supporters who work in conjunction to assist and support youth in achieving goals.

## **II. DISPOSITIONAL RECOMMENDATION**

### **A. Initial Assessment and Recommendation**

1. The Juvenile Service Worker (JSW) shall complete the risk assessment each time a youth is adjudicated on a public offense or convicted as a youthful offender (YO).
2. The JSW shall utilize the DJJ dispositional matrix to make a recommendation to the court. After reviewing the matrix, see II. B., C., D., and E. to determine the appropriate recommendation.
3. When multiple options are available on the matrix the least restrictive dispositional option shall be recommended after review of the factors in II. B., C., D., and E.

### **B. Recommendation for Non-DJJ Services**

Factors which shall be considered when evaluating a recommendation for non-DJJ services include:

1. Services are available in the community to meet the youth's needs or no services are required; and
2. The ability of the parent, caregiver or other family members, including extended family, to provide adequate supervision of the youth and demonstrate a willingness to participate in the youth's treatment.

### **C. Recommendation for Probation**

1. Factors which shall be considered when evaluating a recommendation for probation include:
  - a. Services are available in the community to meet the youth's needs or no services are required; and
  - b. The ability of the parent, caregiver, or other family members, including extended family, to provide adequate supervision of the youth, demonstrate a willingness to participate in youth's treatment, and one or more of the following are present:
    - i. Previous judicial discretion dispositions were unsuccessful;
    - ii. Previous treatment services were unsuccessful; or
    - iii. Youth requires case management and supervision.

2. Non-DJJ services which meet the youth's needs may be recommended in lieu of DJJ probation.

D. Recommendation of Suspended / Probated Commitment

1. Factors which shall be considered for recommendation for suspended/probated commitment include:
  - a. Youth shall meet the statutory requirements for commitment under KRS 635.060.
  - b. Services are available in the community to meet the youth's needs or no services are required; and
  - c. The ability of the parent, caregiver, or other family members, including extended family, to provide adequate supervision of the youth, demonstrate a willingness to participate in youth's treatment, and one or more of the following are present:
    - i. Previous judicial discretion dispositions were unsuccessful;
    - ii. Previous treatment services were unsuccessful; or
    - iii. Youth requires case management and supervision.

E. Recommendation of Commitment

1. Factors which shall be considered when evaluating a recommendation for commitment include:
  - a. Youth's treatment needs require a classification placement;
  - b. The inability of the parent, caregiver, or other family members, including extended family, to provide adequate supervision of the youth or an unwillingness to participate in the youth's treatment;
  - c. Previous judicial discretion or probation dispositions were unsuccessful with more recent events weighing more heavily; or
  - d. Previous treatment services were unsuccessful with more recent events weighing more heavily.
2. If the youth has been designated as a declared juvenile sexual offender (JSO) pursuant to KRS 635.505 and KRS 635.510, the recommendation shall be commitment.

F. If a Predisposition Investigation (PDI) is ordered by the court, the JSW shall complete the needs assessment as part of the PDI process.

G. The JSW shall submit the risk assessment and the PDI report, if applicable, to the court, prosecutor, and defense attorney, three (3) business days prior to disposition.

- H. The JSW shall submit the risk assessment and the Pre-sentence Investigation (PSI) report to the court, prosecutor, and defense attorney five (5) business days prior to sentencing.
- I. Placement Decision for Youth Committed or Sentenced to DJJ
1. The JSW and Juvenile Services District Supervisor (JSDS) shall utilize the initial placement matrix to determine the appropriateness for submission of the placement referral to Classification.
  2. When multiple placement options are available in the initial placement matrix, the least restrictive placement option shall be utilized after review of the factors in II. G. 3.
  3. The JSW in consultation with the JSDS shall use the following factors to determine if the youth may remain in the community on supervision or may be referred for a classification placement.
    - a. Factors which shall be considered for youth to remain in the community include:
      - i. Services to address treatment needs that are available in the community, including DJJ Community and Mental Health Services and non-DJJ agencies, have not been exhausted;
      - ii. The ability of the parent, caregiver or other family members, including extended family, to provide adequate supervision of the youth and demonstrate a willingness to participate in the youth's treatment;
      - iii. The level of the committing offense and risk level as outlined in the placement matrix; and
      - iv. Current commitment to the Cabinet for Health and Family Services (CHFS).
    - b. Factors which shall be considered for a youth to be referred for a classification placement include:
      - i. Services to address treatment needs are not available or have been exhausted in the community to meet the youth's needs;
      - ii. The inability of the parent, caregiver, or other family members, including extended family, to provide adequate supervision of the youth or an unwillingness to participate in the youth's treatment;

- iii. The level of the committing offense and risk level as outlined in the placement matrix;
  - iv. Previous DJJ probation or commitment;
  - v. Current commitment to CHFS and exhibiting unlawful behaviors in a CHFS placement;
  - vi. Documented absent without leave (AWOL) risk;
  - vii. Community safety is at issue because the youth's current or prior behavior indicates a significant risk of harm to self or others; or
  - viii. Previous placement disruptions.
- c. Overriding factors to consider for youth to remain in the community shall include:
- i. Age of youth under twelve (12) years old; and
  - ii. Disabilities such as deafness, blindness, chronic illness, mental illness, impairment, or physical disabilities.

#### J. Risk Reassessments

All youth shall be reassessed at case closure or upon adjudication for a new offense and shall be documented in the youth's individual client record (ICR).



## Dispositional Matrix

Offense Severity (Current Adjudicated Offense)	Statute	Risk Level		
		Low Risk	Moderate Risk	High Risk
<b>Felony A , B or C</b>	KRS 635.060	Non-DJJ Services	Probate to DJJ	Probate to DJJ
		Probate to DJJ	Suspended/probated commitment	Suspended/probated commitment
		Suspended/probated commitment	Commit to DJJ	Commit to DJJ
		Commit to DJJ		
<b>Felony D with: 3 prior adjudications excluding violations or 4 prior adjudications of violations</b>	KRS 635.060(4)(a)(1)	Non-DJJ Services	Non-DJJ Services	Probate to DJJ
		Probate to DJJ	Probate to DJJ	Suspended/probated commitment
			Suspended/probated commitment	Commit to DJJ
			Commit to DJJ	
<b>Felony D (does not qualify for suspended commitment) Misdemeanor A or B with: 3 prior adjudications excluding violations or 4 prior adjudications of violations</b>	KRS 635.060(4)(a)(1)	Non-DJJ Services	Non-DJJ Services  Probate to DJJ	Non-DJJ Services  Probate to DJJ
	KRS 635.060(4)(a)(1)	Non-DJJ Services  Probate to DJJ	Non-DJJ Services  Probate to DJJ  Suspended/probated commitment  Commit to DJJ	Non-DJJ Services  Probate to DJJ  Suspended/probated commitment  Commit to DJJ
<b>Misdemeanor A or B (does not qualify for suspended commitment)</b>	KRS 635.060(4)(a)(1)	Non-DJJ Services	Non-DJJ Services  Probate to DJJ	Non-DJJ Services  Probate to DJJ
<b>Violation (Fineable Offenses) i.e. Alcohol Intoxication, Criminal Trespass 3<sup>rd</sup>, Hitchhiking, Failure to Wear Safetybelt Probation Violation with no suspended commitment</b>	KRS 600.020(67)	Non-DJJ Services	Non-DJJ Services	Non-DJJ Services  Probate to DJJ 30 days
	KRS 635.060(2)(b)(2)	Non-DJJ Services	Non-DJJ Services	Non-DJJ Services
<b>Probation Violation with suspended commitment</b>	KRS 635.060(2)(b)(2) KRS 635.060(5)(a),(b)	Continue Probation  Commit to DJJ	Commit to DJJ	Commit to DJJ

Table 1. Dispositional Matrix

**Dispositional Matrix Offenses Involving a Deadly Weapon, Sexual Offenses, and Youthful Offender**

Offense Severity	Statute	Risk Level		
		Low Risk	Moderate Risk	High Risk
<b>Offense Involving Deadly Weapon</b>	KRS 635.060(4)(a)(2)	Non-DJJ Services	Non-DJJ Services	Probate to DJJ
		Probate to DJJ	Probate to DJJ	Suspended/probated commitment
	KRS 635.060(4)(a)(1)	Non-DJJ Services	Non-DJJ Services	Probate to DJJ
		Probate to DJJ	Probate to DJJ	Suspended/probated commitment
<b>Felony D</b>	KRS 635.060(4)(a)(2)	Suspended/probated commitment	Suspended/probated commitment	Commit to DJJ
		Commit to DJJ	Commit to DJJ	
<b>Misdemeanor A or B</b>	KRS 635.060(4)(a)(1)	Non-DJJ Services	Non-DJJ Services	Probate to DJJ
		Probate to DJJ	Probate to DJJ	Suspended/probated commitment
		Suspended/probated commitment	Suspended/probated commitment	Commit to DJJ
		Commit to DJJ	Commit to DJJ	
<b>Sexual Offenses-Declared*</b> <b>Felony Sexual Offense (Mandatory Declared JSO)</b>	KRS 635.515	Commit to DJJ	Commit to DJJ	Commit to DJJ
	KRS 635.505(2)(g) KRS 635.510(2)(a),(b) KRS 635.515(1)	Commit to DJJ	Commit to DJJ	Commit to DJJ
	KRS 635.505(2)(g) KRS 635.510(2)(a),(b)	Refer to Dispositional Matrix page 1 for corresponding recommendation based on Public Offender Offense Classification and Risk Level		
<b>Misdemeanor A or B (Recommendation of Declared JSO)*</b>				
<b>Sexual Offense-Non-Declared* (Recommendation of Non Declared due to age, IQ or psychosis)</b>				
<b>Felony A, B, C or Misdemeanor*</b>				
<b>Youthful Offender</b>	KRS 640.030	Risk and Criminogenic Needs to be submitted to the court in conjunction with the PSI. Sentencing to be determined by the court		

\*For any youth adjudicated as a juvenile sexual offender, the JSO Risk Assessment shall be used in conjunction with the Risk and Criminogenic Needs Assessment as part of the dispositional recommendation

Table 2. Dispositional Matrix Offenses Involving a Deadly Weapon, Sexual Offenses, and Youthful Offenders

### **III. INTERSTATE COMPACT**

Youth on probation or parole in another state and processed through Interstate Compact for supervision in Kentucky shall have a risk assessment and needs assessment administered by the JSW at the same time the interstate compact home evaluation is completed in accordance with DJJPP Chapter 6 policies (Initial Contact & Court Support for Public Offenders) and (Initial Contact & Court Support for Youthful Offenders). Upon Kentucky accepting supervision the youth shall be subject to DJJ's community phase system and any requirements imposed by the referring state. A youth shall not be released from supervision without approval from the referring state.

#### **IV. PLACEMENT CONTINUUM AND TIMEFRAMES**

##### **A. The Level of Placement Continuum is as follows:**

- Level 0 Home or other placement arranged by parent or caregiver on conditions of supervised placement, as defined by DJJPP Chapter 6, Definitions.
- Level 1 Therapeutic Foster Care (TFC), Independent Living Program (ILP).
- Level 2 Group Home (GH), Private Child Care Providers (PCC).
- Level 3 Staff Secure Youth Development Centers (YDC).
- Level 4 Maximum Secure YDC.
- No Level Psychiatric Residential Treatment Facility (PRTF), Psychiatric Hospital admissions facilitated by the Classification Branch.

##### **B. Commitment and Out-of-Home Timeframes**

1. Out-of-home placement shall relate to the amount of time that a youth may be placed out-of-home pursuant to KRS 15A.0652. These placements shall include only those out-of-home placements ordered by the court through the Department and shall not include any placement facilitated by the parent or caregiver.
2. Class A or B Misdemeanor (excluding declared JSO's or offenses involving a deadly weapon)
  - a. A maximum of four (4) months of out-of-home placement pursuant to KRS 15A.0652.
  - b. An extension of the length of out-of-home placement pursuant to KRS 15A.0652 may be considered as referenced in VII. Administrative Transfer Request (ATR).
  - c. Maximum commitment timeframe shall not exceed twelve (12) months pursuant to KRS 635.060.
  - d. Unless the ATR Committee has authorized the extension of placement, the youth shall be released at the end of the statutory timeframe for out-of-home placement.
3. Class D Felony (excluding declared JSO's or offense involving a deadly weapon)
  - a. A maximum of eight (8) months of out-of-home placement pursuant to KRS 15A.0652.

- b. An extension of the length of out-of-home placement pursuant to KRS 15A.0652 may be considered as referenced in VII. Administrative Transfer Request (ATR).
- c. Maximum commitment timeframe shall not exceed eighteen (18) months pursuant to KRS 635.060.
- d. Unless the ATR Committee has authorized the extension of placement, the youth shall be released at the end of the statutory timeframe for out-of-home placement.

## V. INITIAL PLACEMENTS

### A. Community Process for a Classification Placement Request

1. For committed or sentenced youth who are determined by the JSW and JSDS to need a classification placement, the JSW shall compile the classification placement packet to include the following if applicable and available:
  - a. Written justification;
  - b. Petitions related to current commitment;
  - c. Commitment Orders or Sentencing Order;
  - d. All Relevant Assessment Information (Risk assessment, Needs assessment Psychological Reports, Psychosexual Assessment, or any other available assessments);
  - e. Social History information recorded in the electronic record;
  - f. PDI or PSI report;
  - g. Medical, School, or Detention Reports;
  - h. Suspended Commitment Probation Violation Reports;
  - i. Educational Records;
  - j. Discharge Summaries from other programs; and
  - k. Incident Reports.
2. Referrals for a classification placement shall be approved by the JSDS or designee. The JSW shall submit the classification placement packet electronically to the Classification Branch within seven (7) business days after commitment unless an extension is approved through the JSDS to the Classification Branch Manager.

### B. Classification Process to Determine a Classification Placement

1. After the classification placement packet is received electronically by Classification, the documents shall be reviewed for accuracy, completeness, consistent scoring on the risk assessment, adherence to the dispositional matrix, and statutory requirements for commitment. Classification may reject the referral or request additional information to be submitted. Rejection of a referral may occur because the youth does not meet the criteria for a classification placement,

the referral is incomplete, or any other reasons as determined by the Classification Branch staff. The final decision as to whether a youth is placed in a classification placement is the responsibility of the Classification Branch Manager or designee.

2. If the Classification Branch Manager or designee determines the youth does not meet criteria for a classification placement the Juvenile Services Specialist (JSS), JSW, and JSDS shall be notified of the reasons for rejection. A request for an override may be made through the Division Director of Community and Mental Health Services to the Division Director of Placement Services, in Section VI.
3. Placement decisions shall be made with consideration of the least restrictive available placement, consistent with the initial placement matrix, which placement is closest to the youth's place of residence, and in conjunction with the following:
  - a. Risk assessment factors;
  - b. Criminogenic need factors identified in the needs assessment;
  - c. Any noted responsivity issues that may impact the youth and parent or caregiver response to treatment interventions; and
  - d. Community safety.
4. If a classification placement is warranted, the process outlined in Section V. C. shall be followed.
5. The Classification Branch shall administer the Child and Adolescent Service Intensity Instrument (CASII) for all public offender youth that meet any of the following criteria:
  - a. Current diagnosis on Axis I and II other than Attention Deficit Disorder with Hyperactivity (ADHD); and
  - b. Previous involvement in the Kentucky Interagency Mobilization for Progress in Adolescent and Child Treatment (KY IMPACT) program at any time during youth's lifetime; or
  - c. Three (3) or more acute psychiatric hospitalizations during the youth's lifetime;
  - d. Placement in a PRTF during youth's lifetime;
  - e. Current or past documentation or evidence indicating suicidal or homicidal ideations, severe depression, hallucinations, or rages (intense anger);

- f. Current or past use of psychotropic medications;
  - g. Two (2) or more placements made by the Department of Community Based Services (DCBS) with any other listed above; or
  - h. Special education placements with any other listed above.
6. A YO shall not have an initial placement in a program with a security level lower than a Level 3 YDC.
  7. The Classification Branch Manager or designee shall consider placement levels when determining a classification placement in accordance with the criteria outlined in Section V. C. and D.

C. Criterion for Level 1-4 Placements (Reference Table 3. and 4.)

Dependent upon placement level and based upon the offense severity and the risk level as outlined in the placement matrix, youth may be placed when the following factors are present.

1. Factors to consider for Level 1 TFC and ILP with more recent events weighing more heavily
  - a. Youth's ability to function appropriately in public school;
  - b. Services available at the community level are not adequate to address youth's identified treatment needs;
  - c. Parent, caregiver, or other family members, including extended family, lack the ability to provide adequate supervision of the youth, even though services are available in the community;
  - d. Community safety is not an issue because the youth's current or prior behavior does not indicate a significant risk of harm to self or others; and
  - e. Age-appropriateness of youth, which is as follows: appropriate for youth aged twelve (12) and younger; possible for youth aged thirteen (13) through seventeen (17); and not appropriate for youth aged eighteen (18) and over. Exceptions to this may occur based on the availability of specialized programming.
2. Factors to Consider for Level 2 GH or PCC
  - a. Youth's need for supervision indicates twenty-four (24) hours a day, seven (7) days a week supervision. (Referring to the difference between TFC and GH or Residential PCC setting);



- b. Services available at the community level are not adequate to address youth's identified treatment needs;
  - c. Community safety is not an issue because the youth's current or prior behavior does not indicate a significant risk of harm to self or others;
  - d. Age-appropriateness of youth, which is as follows: appropriate for youth aged twelve (12) and younger; possible for youth aged thirteen (13) through seventeen (17); and not appropriate for youth aged eighteen (18) and over. Exceptions to this may occur based on the availability of specialized programming; and
  - e. Youth is considered to be an AWOL risk from home on multiple occasions or for significant lengths of time with more recent events weighing more heavily.
3. Factors to consider for Level 3 YDC
- a. Community safety is at issue because the youth's current or prior behavior indicates a significant risk of harm to self or others;
  - b. Type of weapon and extent of potential for harm;
  - c. Serious physical injury to victim. Reference KRS 500.080(15);
  - d. Previous placement disruptions resulting in removal from placement with more recent events weighing more heavily;
  - e. Adjudication indicates a pattern of behavior warranting a higher level of care such as multiple offenses, severe acting out behaviors, or violence;
  - f. Age-appropriateness of the youth, which is typically not for youth aged twelve (12) and under. Exceptions to this may occur based on the availability of specialized programming;
  - g. Youth is considered to be an AWOL risk due to previous AWOLs from TFC, GH, or PCC with more recent events weighing more heavily; and
  - h. Community services are not available to address the extent of the youth's treatment needs.
4. Factors to consider for Level 4
- a. One of the following factors (a.i.-a.iv.):
    - i. Offense involved intentional death of victim;

- ii. Previous AWOL from secure facility (detention, law enforcement custody, or Level 3 YDC);
  - iii. Youth is committed for an offense where he or she was personally responsible for a significant level of violent behavior; or
  - iv. Documented aggression towards staff, which is considered persons providing residential supervision; and
- b. One of the following factors shall also be present (b.i.-b.ii.):
- i. Youth currently does not exhibit pro-social behaviors and therefore could not maintain appropriate behavior in a small group setting;
  - ii. Youth requires heightened security, supervision and multiple physical plant limitations to reduce opportunity for AWOL; or
  - iii. Age-appropriateness of youth age fourteen (14) or older.

D. Criterion for Referral for Placement in a PRTF or Psychiatric Hospital may include:

1. Documented mental health treatment including previous psychiatric placements or medical services;
2. Hospitalization in an acute psychiatric setting within the past thirty (30) days;
3. Multiple failed placements through KY IMPACT, DCBS, or DJJ;
4. Previous psychological or psychiatric evaluation; and
5. Current CASII administered.

### Initial Placement Matrix (Excluding Declared Juvenile Sexual Offenders)

Committing Offense	Risk Level		
	Low	Moderate	High
<b>Misdemeanor A or B</b>	Level 0 Level 1	Level 0 Level 1 Level 2	Level 2 Level 3
<b>Total out-of-home placement to not exceed 4 months</b>			
<b>Misdemeanor A or B involving a Deadly Weapon</b>	Level 0 Level 1 Level 2	Level 2 Level 3	Level 2 Level 3
<b>Felony D</b>	Level 0 Level 1 Level 2	Level 2 Level 3	Level 2 Level 3
<b>Total out-of-home placement to not exceed 8 months</b>			
<b>Felony D involving a deadly weapon</b>	Level 0 Level 1 Level 2	Level 2 Level 3	Level 2 Level 3 Level 4
<b>Felony C</b>	Level 0 Level 1 Level 2	Level 2 Level 3	Level 3 Level 4
<b>Felony A or B</b>	Level 2 Level 3	Level 3 Level 4	Level 3 Level 4
<b>Committed on a suspended commitment (Probation Violation)</b>	Refer to the highest underlying adjudicated offense	Refer to the highest underlying adjudicated offense	Refer to the highest underlying adjudicated offense
<b>YO Any Offense</b>	Level 3	Level 3 Level 4	Level 3 Level 4

**Level 0** Home or other placement arranged by parent or caregiver on conditions of supervision, as defined by DJJPP 600.

**Level 1** Therapeutic Foster Care (“TFC”), Independent Living Program (ILP)

**Level 2** Group Home (“GH”), Private Child Care Providers (“PCC”)

**Level 3** Staff Secure Youth Development Centers (“YDC”)

**Level 4** Maximum Secure Youth Development Center

**No Level** Psychiatric Residential Treatment Facility (“PRTF”) and Psychiatric Hospital admissions facilitated by the Classification Branch.

Table 3. Initial Placement Matrix (Excluding Declared Juvenile Sexual Offenders)

**Initial Placement Matrix for Declared Juvenile Sexual Offenders**

<b>Declared JSO and DJJ Risk Assessment</b>	<b>JSO Assessment Low/Low-Moderate Risk</b>	<b>JSO Assessment Moderate/Moderate-High Risk</b>	<b>JSO Assessment High Risk</b>
<b>Declared/Low Risk</b>	Level 0 Level 1	Level 0 Level 1 Level 2 Level 3	Level 2 Level 3
<b>Declared/Moderate Risk</b>	Level 0 Level 1	Level 0 Level 1 Level 2 Level 3	Level 2 Level 3 Level 4
<b>Declared/High Risk</b>	Level 0 Level 1 Level 2	Level 1 Level 2 Level 3	Level 3 Level 4
<b>Sex Offender YO Any Risk Level</b>	Level 3	Level 3 Level 4	Level 3 Level 4

Table 4. Initial Placement Matrix for Declared Juvenile Sexual Offenders

## **VI. OVERRIDES OF INITIAL CLASSIFICATION PLACEMENT DECISIONS**

- A. Factors that may override an initial placement level outside of matrix options, either higher or lower include:
1. Behavior in detention;
  2. Serious physical injury;
  3. Type of weapon and extent of potential for harm;
  4. Services available to meet youth's needs in less restrictive placement;
  5. Higher level of services are required to meet treatment needs;
  6. Youth is considered to be an AWOL risk due previous AWOL or threats of AWOL with more recent events weighing more heavily;
  7. Community safety is at issue because the youth's current or prior behavior indicates a significant risk to harm to self or others;
  8. Disabilities such as deafness, blindness, chronic illness, mental illness, impairment, or physical disabilities; or
  9. Age or physical stature of youth.
- B. If the JSW or JSDS believes the placement level decision as determined by the Classification Branch Manager or designee is inappropriate, too high or too low, an override request may be submitted. The request shall be written in electronic format and sent through the chain of command to the Division Director of Community and Mental Health Services or designee. The decision of the Division Director of Community and Mental Health Services or designee shall be forwarded to the Classification Branch Manager.
- C. If the Classification Branch Manager does not agree with the Division Director of Community and Mental Health Services decision, then it shall be forwarded to the Division Director of Placement Services in an attempt to reach an agreement.
- D. If an agreement is not reached, the decision shall be forwarded to the Deputy Commissioner of Operations and the Deputy Commissioner of Community and Mental Health Services in an attempt to reach an agreement.
- E. If the Deputy Commissioners cannot reach agreement, the decision shall be forwarded to the Commissioner. The decision of the Commissioner shall be considered final and not subject to reconsideration.

- F. All requests for override shall include supporting documentation and information.
- G. Classification Branch staff shall enter the final decision into the Information Management System.

## **VII. ADMINISTRATIVE TRANSFER REQUEST (ATR)**

- A. An ATR shall be submitted for any committed youth for whom a change or extension within the placement continuum is requested. An ATR may be requested in the following situations:
1. DJJ facility request for an up, down, or lateral move within the placement continuum;
  2. JSW's request for an up, down, or lateral move within the placement continuum for youth in PCC, hospital, PRTF or TFC;
  3. JSW request for a youth committed on a misdemeanor offense and has completed four (4) months of treatment in an out-of-home placement, TFC, PCC, and psychiatric hospital, but requires continued treatment in an out-of-home placement;
  4. JSW request for a youth committed on Class D felony offense and has completed eight (8) months of treatment in an out-of-home placement, TFC, PCC, and psychiatric hospital, but requires continued treatment in an out-of-home placement;
  5. DJJ facility request for a youth committed on a misdemeanor offense and has completed four (4) months of treatment in an out-of-home placement, but requires continued treatment in an out-of-home placement;
  6. DJJ facility request for a youth committed on Class D felony offense and has completed eight (8) months of treatment in an out-of-home placement, but requires continued treatment in an out-of-home placement; or
  7. JSW request for administratively revoked youth.
- B. The ATR packet shall be submitted by the facility counselor, treatment director, or superintendent for youth currently in a DJJ operated facility or by the JSW for youth currently in TFC, hospital, or PCC and youth that have been administratively revoked. It shall be submitted through the chain of command for verification of information included and approval by the appropriate Division Director or designee.
- C. If the Treatment Team anticipates that a timeframe extension of the out-of-home placement shall be needed, an ATR shall be requested twenty-one (21) days prior to the projected release date.
- D. The JSW shall ensure the completion of the ATR Notification for youth in TFC, hospital setting, or PCC requiring a change or extension in placement or administratively revoked youth being referred for a classification placement. The

residential counselor shall have the ATR Notification completed for youth in DJJ operated placements requiring a change or extension in placement.

- E. Once reviewed and approved by the Division Director of the requesting DJJ operated facility or Division Director of Community and Mental Health Services, the packet shall be submitted to the Classification Branch.
- F. If facility and community staff do not agree on the submission of an ATR, a request for reconsideration of the decision made to proceed or not proceed may be submitted in writing electronically to the Classification Branch.
  - 1. All requests for reconsideration shall include supporting documentation.
  - 2. The Classification Branch Manager or designee shall submit the request to the respective Facility Regional Administrator (FRA) and Community Regional Manager or designee
  - 3. The Regional Manager shall discuss the request for reconsideration and forward their decision to the Classification Branch Manager, who shall inform all parties of the decision
  - 4. If the FRA and Regional Manager do not agree then the request shall be forwarded to the respective Regional Division Director and Division Director of Community and Mental Health Services or designee for final decision.
- G. All youth shall be provided due process consisting of notice of intent to transfer to another classification placement and an opportunity for the youth to respond either verbally or in writing at the time of notice. If the referring placement believes the ATR notification to youth may create a safety, security, or flight risk or if the ATR is an emergency request, the notification to the youth and opportunity for response shall be given as soon as practical in a setting to maintain safety, security, and control of the youth.
- H. Criteria supporting justification for extension of out-of-home placement timeframes include:
  - 1. Safety concerns for the community or youth exist based on current behavior.
  - 2. The pending outcome of a DCBS investigation on the proposed placement residence, when no other community residence is viable.
  - 3. The pending outcome of an Interstate Compact referral for a proposed home evaluation and/or courtesy supervision, when no other community residence is available.



4. Further an out-of-home placement is necessary for completion of treatment.
  5. Youth requests extension due to being fearful to return to the community based on historical threats of violence or retaliation from community acquaintances.
  6. Youth requests extension of timeframe for educational purposes or independent living arrangements not to exceed thirty (30) days.
  7. Following a revocation of supervised placement as a result of the issuance of the decision letter from the Director of Community and Mental Health Services for detention or classification placement.
- I. The ATR packet shall consist of:
1. A written justification for the ATR;
  2. If applicable, the supervised placement revocation request, hearing officer's finding of facts, and the decision letter from the Director of Community and Mental Health Services.
  3. An ATR notification to the youth if available prior to the submission of the ATR packet;
  4. Supporting documentation, if applicable, includes:
    - a. Incident reports;
    - b. New commitment order and petitions;
    - c. Psychosexual reassessments; and
    - d. Letters, information, requests from youth or other interested parties.
    - e. For an ATR downward to a Level 1-2, supporting documentation shall also include:
      - i. Documentation supporting the need for continued services in a classification placement;
      - ii. Documentation of an unapproved home evaluation completed by the JSW, date of referral to DCBS, and status of referral. If the JSW does not believe a DCBS referral is warranted, the JSW shall obtain the approval of the Regional Manager for a step down to occur;
      - iii. Documentation of an approved home evaluation reflecting continued needs of transitional or reunification services prior to youth returning to the family home. Approval for the ATR to proceed shall be granted by the Juvenile Services Regional Manager; or

- iv. Documentation that youth is fearful to return to the community based on historical threats of violence or retaliation from community acquaintances.
  - f. For an ATR downward from a Level 4 to a Level 2 or 3, supporting documentation shall also include documentation supporting the need for continued services in a classification placement.
  - g. All ATR's submitted by DJJ facility staff shall include written acknowledgement from the JSW.
  - h. Written justification for extension of out-of home placement timeframe, where applicable.
- J. If the notification to the youth was not included in the ATR packet, the Classification Branch shall notify the receiving facility that notification and due process for the youth needs to occur.
- K. If the ATR notification to the youth was not completed by the referring placement due to safety, security or flight risk, the receiving facility shall provide the notification to the youth providing the reasons for the transfer and provide the youth an opportunity to respond to the ATR Committee for reconsideration to ensure due process.
- L. The treatment team may withdraw an ATR packet at any time.
- M. Upon receipt of the ATR packet, the Classification Branch Manager shall determine the appropriate course of action in processing the ATR.
- 1. The Classification Branch Manager or designee shall review and take action relating to a request for:
    - a. A lateral or lower level of placement; and
    - b. A classification placement for revoked youth.
  - 2. An ATR of a YO to any placement lower than Level 3 shall be processed as follows, with the Commissioner having final approval authority:
    - a. The ATR shall be submitted by the youth counselor, treatment director, or superintendent for youth currently in a DJJ operated facility through the chain of command for verification of information and approval by the appropriate Division Director or designee;
    - b. Once reviewed and approved by the Division Director the packet shall be submitted to the Classification Branch;

- c. Classification Branch Manager or designee shall review and present the ATR to the Deputy Commissioner of Program Operations and Deputy Commissioner of Community and Mental Health Services for approval and submission to the Office of the Commissioner; and
  - d. If approved by the Commissioner the Classification Branch shall determine placement location and arrange transportation.
3. The ATR committee shall review the following:
- a. A request for a higher level of placement;
  - b. A request for an extension of time in a classification placement for youth committed on a misdemeanor or Class D felony, excluding declared JSO's or offenses involving a deadly weapon, who have exhausted their out-of-home placement timeframes;
  - c. A request for a classification placement for administratively revoked youth committed on a misdemeanor or Class D felony, excluding declared JSO's or offenses involving a deadly weapon to review prior months of treatment on original commitment, who have exhausted their out-of-home placement timeframes; or
  - d. A request for youth to return home directly from a maximum secure facility unless otherwise ordered by the court or the commitment has expired. The ATR Committee shall consider the following factors for step-down requests from maximum secure facility to home:
    - i. The youth has attained at least Developmental Level.
    - ii. The youth has exhibited significant improvement in the areas of behavior, academic, vocational skills, and treatment work as identified and monitored by the youth's treatment team.
    - iii. When a PO has completed a Level 4 program, the youth shall be returned home unless the ATR Committee finds specific factors that require continued a classification placement.
  - e. All extensions of out-of-home placement timeframes approved by the Commissioner shall be reviewed at a maximum of every thirty (30) days to ensure that a classification placement is still warranted.
4. The ATR Committee shall consist of:
- a. Deputy Commissioner of Operations (Chairperson);

- b. Division Director of Community and Mental Health Services;
  - c. Chief of Mental Health Services;
  - d. Director of Medical Services;
  - e. Director of Placement Services;
  - f. Classification Branch Manager; and
  - g. Division Directors from Residential Services.
  - h. Each ATR Committee member may be represented by a designee.
5. Representatives of PCC agencies may also provide information or be represented at the committee meeting as necessary.
- N. The JSW, JSDS, youth counselor, Transportation Branch Manager, or Superintendent may attend as necessary or required.
- O. The ATR Committee shall meet weekly, as determined by the Deputy Commissioner of Operations, and shall review all submitted ATRs.
- P. The ATR Committee shall have four (4) members participating in person or by teleconference; however, representatives from the Division of Community and Mental Health Services, Division of Placement Services, and the Chief of Mental Health Services or designee shall participate in all committee meetings.
- Q. The Classification Branch staff shall present the information regarding the ATR to the ATR Committee.
- R. The Classification Branch staff shall maintain documentation of all ATR Committee meetings including participants, cases being presented, any requests for further information from the requesting DJJ operated facility, JSW, or JSDS, responses from previous requests, and recommendations for each case presented.
- S. The ATR Committee's decision regarding level of placement shall be made by consensus. If the ATR Committee's decision differs from the treatment team's original request, it shall be returned in writing with explanation and signed by all committee members present.
- T. The requesting DJJ operated facility, JSW, or JSDS shall respond to questions from the ATR Committee either by teleconference or e-mail in order to clarify issues related to the request and services needed for each youth.
- U. The decision of the ATR Committee may be:

1. Approval;
  2. Deferral of the request for additional information. The request for additional information shall be specific and in writing; or
  3. Denial.
  4. All decisions of the ATR Committee shall be acknowledged in writing by each Committee member.
- V. The recommendations or decisions of the ATR Committee shall be provided to the requesting DJJ operated facility, JSW, and JSDS via e-mail by the Classification Branch within two (2) business days.
- W. The Classification Branch Manager or designee shall determine the placement location for the youth.
- X. The Classification Branch shall be the custodian for all the records related to ATR's.

## VIII. EMERGENCY ADMINISTRATIVE TRANSFER REQUEST (E-ATR)

- A. A request for an Emergency ATR (E-ATR) for an immediate change in a classification placement of any committed PO or sentenced YO currently in a classification placement shall be submitted through the chain of command to:
  - 1. The Division Director of Community and Mental Health Services or designee for youth who are placed in a hospital, PCC, or TFC setting; or
  - 2. The respective Regional Division Director or designee for youth placed in a DJJ operated program.
- B. Once approved, the appropriate Division Director or designee shall forward the approved E-ATR to the Classification Branch and complete notification by e-mail.
- C. Classification Branch staff shall review the E-ATR for accuracy and criteria for emergency. If criteria are met for a request for lateral level placement, the Classification Branch Manager or designee shall review the request and take action relating to placement. If criteria are met for a request for a higher level of placement, Classification Branch staff shall present the E-ATR to the Deputy Commissioner of Operations or designee.
  - 1. The major criterion for an E-ATR shall be that the youth cannot be safely maintained in the current placement.
  - 2. Other criteria for an E-ATR may include:
    - a. AWOL attempt in a GH setting;
    - b. Documented assaultive behavior towards residents or staff after appropriate disciplinary actions are utilized;
    - c. Medical or psychiatric conditions arise for which treatment in current setting is not available;
    - d. De-Certification by Medicaid in a hospital placement;
    - e. Youth AWOL from placement and picked up on a Commissioners Warrant with time expiring (KRS 635.100(1) and (4)); or
    - f. An extension of the out-of-home placement timeframe has become necessary based on information meeting the criteria in Section VII. F. which was not present prior to twenty-one (21) days of the youths anticipated release.
- D. A decision shall be sent electronically to all relevant parties and arrangements for transportation made if necessary.