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LEGISLATIVE RESEARCH COMMISSION

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MEMORANDUM

TO: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet

FROM: Emily Caudill, Regulations Compiler

RE: Acknowledgement of Proposed Ordinary & Emergency Regulations – 505 KAR 1:140 E&O and 505 KAR 1:410 E&O

DATE: September 25, 2025

Copies of the ordinary and emergency administrative regulations listed above are enclosed for your files. The information below provides an overview of the standard KRS Chapter 13A timeline. Please note that effective dates or expiration dates may be impacted by legislation or other statutes.

Emergency regulations

Pursuant to KRS 13A.190, an emergency administrative regulation becomes effective upon filing with our office on and, unless an extension on an accompanying ordinary is requested, is set to expire either in 270 days (for these regulations on **June 22, 2026**) or when replaced by its corresponding ordinary regulation, whichever occurs first. These emergency regulations are tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **December 2025** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these emergency regulations would be due **by noon on December 15, 2025**.

Ordinary regulations

These ordinary regulations are tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **January 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for these ordinary regulations or a one-month extension request would be due **by noon on January 15, 2026**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment periods and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures

FILED WITH LRC TIME: <u>1:15 am</u> SEP 25 2025 <i>Emily B. Candill</i> REGULATIONS COMPILER
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STATEMENT OF EMERGENCY
505 KAR 1:410E

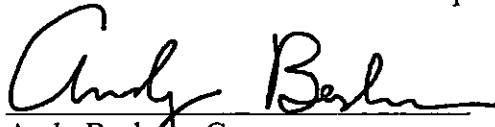
(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare. KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities across the Commonwealth of Kentucky. While juveniles are in DJJ's custody, the DJJ is responsible for the health and safety of those juveniles. This requires protecting the juveniles from themselves and each other, sometimes by using restrictive housing and protective custody in instances where a juvenile poses a serious assault risk to other juveniles and staff. Restrictive housing and protective custody placements may occur any day due to the changing population and needs of the juveniles in DJJ's custody. The United States Department of Justice recommended that DJJ make changes to its regulations and policies governing the use of restrictive housing and protective custody placements, and DJJ determined that more frequent medical and mental health evaluations, as well real time process review by persons with higher levels of governmental authority, are necessary to protect the health and safety of juveniles in such placements. This administrative regulation is being filed on an emergency basis to ensure these additional safeguards will protect the next child placed in restrictive housing and protective custody.

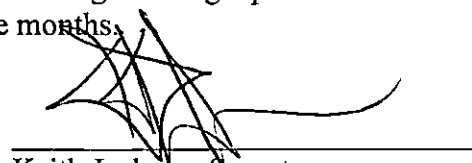
(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before additional juveniles will be placed in restrictive housing and protective custody with less monitoring and less scrutiny than the amount DJJ now believes is appropriate.

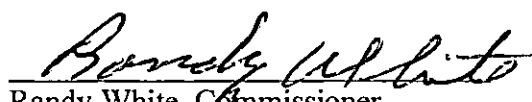
(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new evaluation timelines and levels of scrutiny are the new standards DJJ believes is appropriate to safeguard juveniles in the DJJ's custody going forward.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.


Andy Beshear, Governor
Commonwealth of Kentucky


Keith Jackson, Secretary
Justice and Public Safety Cabinet


Randy White, Commissioner
Department of Juvenile Justice

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Juvenile Justice

3 (Emergency Amendment)

4 505 KAR 1:410E. Restrictive housing~~[Isolation]~~ and protective custody.

5 RELATES TO: KRS 15A.065, 15A.0652,~~[-200.080-200.120,]~~ Chapters 600-645

6 STATUTORY AUTHORITY: ~~[KRS 15A.065(1),]~~ 15A.0652, ~~[15A.160,—]~~605.150,
7 635.095~~[-635.100(7)]~~, 640.120~~[-645.250]~~

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~[15A.065(1),—]~~15A.0652,
9 ~~15A.160,]~~ 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the
10 Department of Juvenile Justice to promulgate administrative regulations for the proper
11 administration of the cabinet and its programs. This administrative regulation establishes
12 procedures for restrictive housing~~[isolation]~~ and protective custody in juvenile detention centers
13 and youth development centers.

14 Section 1. General Provisions~~[Isolation]~~.

15 (1) Restrictive housing~~[Isolation]~~ shall only apply to juveniles in juvenile detention centers
16 and youth development centers. Restrictive housing shall only be used for behavior management.
17 Restrictive housing shall not be used for punishment, staff convenience, or minor rule violations.

18 (2) Restrictive housing shall only be used for a direct and clear ~~[A juvenile may be placed~~
19 ~~in isolation if the juvenile constitutes a]~~threat to safety or security of the facility,

1 staff,~~or a~~ juvenile or other juveniles, including, but not limited to:

2 ~~[(3) The following situations may constitute a threat to the safety or security of the~~
3 ~~facility, staff, or a juvenile and may result in an isolation placement:]~~

4 (a) Assault or attempted assault;

5 (b) Sexual assault or attempted sexual assault;

6 (c) Attempted escape~~[or attempted absent without leave];~~

7 (d) Escape;

8 (e) Participating in a riot;

9 (f) Planning a riot;

10 (g) Possessing dangerous contraband as defined by KRS 120.0103;[]

11 (h) Causing extensive property damage; or

12 (i) Any other serious or violent behavior that compromises the safety and security of
13 residents or staff.

14 (3) The time periods in which action is necessitated by this regulation are suspended during
15 resident sleeping hours from 8:00 p.m. to 6:00 a.m., and any delayed assessment shall occur within
16 two hours of 6:00 a.m.

17 (4) Prior to going into restrictive housing, the reason shall be explained to the juvenile and
18 an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be
19 contemporaneously documented on the incident report. The release criteria in the plan shall state
20 the behavioral expectations required for release, be explained to the juvenile, and be signed by the
21 juvenile. If the juvenile is at the time presenting a danger to himself or others, or is being non-
22 compliant, the juvenile's signature is not required, and staff shall indicate in writing such danger
23 or non-compliance.

1 (5) Staff shall make direct visual contact with the juvenile at staggered intervals not to
2 exceed fifteen (15) minutes to determine the juvenile's compliance with the plan for release. These
3 checks shall be contemporaneously documented on an observation log.

4 (6) If the juvenile is under reasonable control and demonstrating behavior according to the
5 terms of the plan for release, the shift supervisor or above shall return the juvenile to the general
6 population. The time of release and the identity of the person releasing shall be documented
7 contemporaneously on an observation log.

8 (7)(a) If the juvenile continues to demonstrate negative or concerning behaviors and does
9 not respond to reasonable redirection and guidance from staff, or the juvenile's behavior escalates
10 or is beyond control, a qualified mental health professional (QMHP) shall be contacted as soon as
11 possible by the administrative duty officer (ADO), youth services program specialist (YSPS), or
12 superintendent but in no event not more than one (1) hour after the conduct occurs.

13 (b) The QMHP shall assess the juvenile to determine if acute psychiatric symptoms are
14 contributing to the juvenile's behavior. Acute psychiatric symptoms include suicidal ideation,
15 homicidal ideation, plan/intent to engage in self-injurious behaviors, mood disturbance, psychosis,
16 thought-disordered thinking, symptoms associated with previous trauma or other signs of severe
17 psychological distress.

18 (c) Based on the outcome of the assessment, the QMHP shall make recommendations for
19 appropriate intervention.

20 (8) If at any time a juvenile exhibits deterioration in mental status during a restrictive
21 housing placement, including by failing to respond, by their statements, by their refusal to eat, or
22 by their refusal to perform personal hygiene as observed by staff during the 15-minute checks, a
23 QMHP shall be contacted immediately to determine the most appropriate action based on the

1 treatment needs of the juvenile. The contact and the person making the contact shall be
2 contemporaneously documented in an observation log.

3 (9) The juvenile shall be afforded living conditions and privileges approximating those
4 available to the general population including modified access to recreation, educational and
5 treatment services, taking into consideration the safety and security of the juvenile and the facility.
6 All services shall be contemporaneously documented on a services log. Any adjustments shall be
7 documented, including the reason for the change.

8 (10) The juvenile shall be responsible for keeping their room clean while in restrictive
9 housing.

10 Section 2. Authorizations.

11 (1) Initial authorization shall be obtained from the facility superintendent, YSPS, ADO, or
12 shift supervisor prior to placing a juvenile in restrictive housing placement and documented. If
13 prior authorization cannot be obtained without jeopardizing the safety or security of the facility,
14 staff, or juvenile, authorization shall be obtained immediately following the safe securing of the
15 juvenile, but in no event not more than one (1) hour.

16 (2) An initial restrictive housing placement shall not exceed four (4) hours.

17 (3) An extension beyond an initial four (4) hour period, not to exceed eight (8) hours shall
18 only be granted after the superintendent or the ADO has visited with the juvenile to determine if
19 the juvenile can comply with the plan for release. These visits and the specific behaviors noted
20 shall be contemporaneously documented on an observation log. If the juvenile is under reasonable
21 control and demonstrating behavior according to the terms of the plan for release, the juvenile shall
22 be released. If not, the extension shall be approved and shall be contemporaneously documented
23 on an observation log with the reason for the extension.

1 (4) An extension of a restrictive housing placement beyond eight (8) hours, and for each
2 four (4) hour extension up to twenty-four (24) hours, shall require approval of the executive
3 director. The decision shall only be made after the superintendent or the ADO has visited with the
4 juvenile to determine if the juvenile can comply with the plan for release. These visits and the
5 specific behaviors noted shall be documented contemporaneously on an observation log. If the
6 juvenile is under reasonable control and demonstrating behavior according to the terms of the plan
7 for release, the juvenile shall be released. If not, the extension shall be approved and shall be
8 contemporaneously documented on an observation log with the reason for the extension, and
9 additional approval shall be obtained every four (4) hours.

10 (5) An extension of a restrictive housing placement beyond twenty-four (24) hours, and
11 for each four (4) hour extension up to forty-eight (48) hours, shall require the approval of the
12 Commissioner after consulting with the mental health authority or designee only after review and
13 approval of the executive director. The executive director shall decide only after the superintendent
14 or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for
15 release and the mental health assessment has been done as set out in Section 3 (5) of this
16 administrative regulation. These visits and the specific behaviors noted shall be documented
17 contemporaneously on an observation log. If the juvenile is under reasonable control and
18 demonstrating behavior according to the terms of the plan for release, the juvenile shall be released.
19 If not, the extension shall be approved and shall be contemporaneously documented on an
20 observation log with the reason for the extension, and additional approval shall be obtained every
21 four (4) hours.

1 (6) An extension of a restrictive housing placement beyond forty-eight (48) hours, and for
2 each four (4) hour extension up to seventy-two (72) hours, shall require the approval of the cabinet
3 secretary or designee after consulting with the mental health authority only after review and
4 approval of the commissioner and the executive director. The commissioner and executive director
5 shall only decide only after the superintendent or ADO has visited with the juvenile to determine
6 if the juvenile can comply with the plan for release and the mental health assessment has been
7 done as set out in Section 3 (5) of this administrative regulation. These visits and the specific
8 behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is
9 under reasonable control and demonstrating behavior according to the terms of the plan for release,
10 the juvenile shall be released. If not, the extension shall be approved and shall be
11 contemporaneously documented on an observation log with the reason for the extension, additional
12 approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be
13 provided.

14 (7) A restrictive housing placement shall not exceed 72 hours or three (3) days. If grounds
15 meriting restrictive housing placement are present after three (3) days, a special management plan
16 shall be implemented and the mental health authority and the commissioner shall evaluate whether
17 a mental health hospitalization of the juvenile should be pursued.

18 Section 3. Visits and Assessments

19 (1) The facility nurse shall be consulted as soon as possible, or within one hour of
20 placement, to determine if there are medical contraindications for the juvenile being placed in
21 restrictive housing and this consultation shall be documented on an observation log.

22 (2) The facility nurse shall assess juveniles placed in restrictive housing as soon as possible,
23 but in no event later than one (1) hour.

1 (3) Injuries, bruises or scratches, and observations shall be noted by a minimum of two (2)
2 staff and photographed by staff who were not involved in the incident. The nurse shall document
3 the date, time, and results of the assessment.

4 (4) The juvenile shall receive a visit from the facility nurse every twenty-four (24) hours
5 unless medical attention is needed more frequently. The visit shall be documented
6 contemporaneously in an observation log.

7 (5) If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a
8 need for continued intervention, a QMHP shall assess the juvenile every twelve (12) hours. Any
9 treatment provided shall be documented contemporaneously in the juvenile's medical record.

10 (6) An administrative review shall be conducted and documented by a facility
11 superintendent, ADO, YSPS, counselor or shift supervisor, within four (4) hours of placement in
12 restrictive housing, and a reassessment shall be done at each shift change or a minimum of eight
13 (8) hours, thereafter, to determine the juvenile's readiness for release. The reviews shall be
14 completed by a staff member not involved in the incident. In instances where a prior room
15 restriction, intensive room supervision, or room confinement placement was not successful and a
16 restrictive housing placement was started, this review shall take place as soon as the restrictive
17 housing protocol has started.

18 (7) Juveniles in restrictive housing shall be visited at least once every twenty-four (24)
19 hours by the superintendent or ADO, medical staff, and clinical or social work staff. A juvenile
20 may request a visit from a member of the clergy, if available. All visits with the juvenile during
21 placement on restrictive housing shall be documented contemporaneously on an observation log
22 and services log.

23 Section 4. Documentation.

1 (1) All documentation shall be legible.

2 (2) When a juvenile is removed from the general population and placed on restrictive
3 housing, a restrictive housing packet shall be started and shall include:

4 (a) An incident report;

5 (b) A services log;

6 (c) A medical checklist;

7 (d) An observation log and addendum(s);

8 (e) A plan for release; and

9 (f) Any professional/administrative reviews.

10 (3) An incident report shall include:

11 (a) Restrictive housing shall be indicated on the incident report.

12 (b) The juvenile's explanation of the juvenile's behavior or statement should be included,
13 if any.

14 (c) The name and title of the staff requesting and authorizing the initial placement and the
15 transition to restrictive housing or extension, and the time approval was requested and received;

16 (d) The reason for the placement with specific detail about how the juvenile presents a
17 risk to safety and security or orderly facility operations;

18 (e) The duration of the placement; and

19 (f) The reason for each extension request, the reason the request was granted or denied,
20 and the duration of the extension.

21 (4) A plan for release shall:

22 (a) Be authored by the staff in conjunction with the shift supervisor:

23 (b) State the behavior expectation for release from the room placement;

1 (c) Be explained to the juvenile by staff;

2 (d) Be signed by the juvenile. If a juvenile refuses to sign, the plan shall be explained
3 orally by a noninvolved staff member and witnessed by a third party.

4 (e) Include specific behaviors related to the incident necessary for the juvenile to obtain
5 release such as:

6 1. Regain control of their behavior;

7 2. Willingness to participate in required activities;

8 3. Able to interact in a calm manner; and

9 4. Is no longer a direct and clear threat to the security, safety, or orderly management of
10 the facility.

11 (f) Not include generalized attitude without specific behaviors listed. Failure to clean the
12 room shall not be the sole grounds to deny release.

13 (5) Observation log.

14 (a) Behavioral observations shall be documented in an observation log and the shift
15 supervisor shall be notified of any medical or behavioral health issues that would warrant
16 immediate attention for follow-up.

17 (b) The observations shall include the youth's comments and any credible threats as
18 observed by staff familiar with the youth's behavior.

19 (c) The 15-minute checks shall be documented on an observation log.

20 (d) The time of the release and the person releasing shall be contemporaneously
21 documented in an observation log.

22 (6) A services log shall document all services provided to the juvenile while in room
23 restriction including recreation, education, meals, and counseling.

1 (8) The documentation shall be placed in the juvenile's individual client record.

2 ~~[(4) — Authorization shall be obtained from the facility manager, youth services program~~
3 ~~supervisor, administrative duty officer, or shift supervisor prior to placing a juvenile into isolation.~~
4 ~~If prior authorization cannot be obtained without jeopardizing the safety and security of the facility,~~
5 ~~staff, or other juveniles, authorization shall be obtained immediately following the safe securing~~
6 ~~of the juvenile. An isolation placement shall not exceed four (4) hours without further action as~~
7 ~~stated in subsections (5) through (7) of this section.~~

8 ~~(5) Isolation in a detention center.~~

9 ~~(a) The facility manager may authorize a juvenile to remain in isolation beyond an initial~~
10 ~~four (4) hour period, not to exceed twenty four (24) hours.~~

11 ~~(b) An extension of an isolation placement beyond twenty four (24) hours and up to thirty-~~
12 ~~six (36) hours shall require the approval of the division director. The division director shall~~
13 ~~consider whether the juvenile:~~

14 ~~1. Has regained control of their behavior; and~~

15 ~~2. Is no longer a threat to the security, safety, or orderly management of the facility.~~

16 ~~(c) An extension of an isolation placement beyond thirty six (36) hours and up to a~~
17 ~~maximum of forty eight (48) hours shall require the approval of the division director and the chief~~
18 ~~of mental health services. For the extension decision, they shall consider:~~

19 ~~1. Whether the juvenile has regained control of their behavior; and~~

20 ~~2. Whether the juvenile is no longer a threat to the security, safety, or orderly management~~
21 ~~of the facility; and~~

22 ~~3. The mental health issues of the juvenile.~~

1 ~~(d) If a highly assaultive juvenile requires isolation for more than forty eight (48) hours,~~
2 ~~an extension of an isolation placement beyond forty eight (48) hours shall require the approval of~~
3 ~~the respective division director and the chief of mental health services. Any extension made shall~~
4 ~~be reviewed every twenty four (24) hours and shall not exceed five (5) days. For the extension~~
5 ~~decision, they shall consider:~~

6 ~~1. Whether the juvenile has regained control of their behavior; and~~

7 ~~2. Whether the juvenile is no longer a threat to the security, safety, or orderly management~~
8 ~~of the facility; and~~

9 ~~3. The mental health issues of the juvenile.~~

10 ~~(6) Isolation in youth development centers and group homes.~~

11 ~~(a) The facility manager may authorize a juvenile to remain in isolation beyond an initial~~
12 ~~four (4) hour period, not to exceed twenty four (24) hours.~~

13 ~~(b) An extension of an isolation placement beyond twenty four (24) hours and up to thirty~~
14 ~~six (36) hours shall require the approval of the facilities regional administrator. For the extension~~
15 ~~decision, the FRA shall consider whether the juvenile:~~

16 ~~1. Has regained control of their behavior; and~~

17 ~~2. Is no longer a threat to the security, safety, or orderly management of the facility.~~

18 ~~3. An extension of an isolation placement beyond thirty six (36) hours and up to a~~
19 ~~maximum of forty eight (48) hours shall require the approval of the respective division director~~
20 ~~and the regional psychologist. For the extension decision, they shall consider:~~

21 ~~a. Whether the juvenile has regained control of their behavior; and~~

22 ~~b. Whether the juvenile is no longer a threat to the security, safety, or orderly management~~
23 ~~of the facility; and~~

1 e. ~~The mental health issues of the juvenile.~~

2 ~~(e) If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an~~
3 ~~extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the~~
4 ~~respective division director, the regional psychologist, and the chief of mental health services. Any~~
5 ~~extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days.~~
6 ~~For the extension decision, they shall consider:~~

7 ~~1. Whether the juvenile has regained control of their behavior; and~~

8 ~~2. Whether the juvenile is no longer a threat to the security, safety, or orderly management~~
9 ~~of the facility; and~~

10 ~~3. The mental health issues of the juvenile.~~

11 ~~(7) The nurse shift program supervisor or on-call nurse designee shall be notified as soon~~
12 ~~as feasible to determine if there are contra-indications for the juvenile being placed in isolation.~~

13 ~~(a) The facility nurse or health services protocol-trained staff shall assess a juvenile placed~~
14 ~~in isolation as soon as it is safe to do so, as dictated by the director of medical services.~~

15 ~~(b) Injuries, bruises, scratches, and other observations shall be noted by a minimum of two~~
16 ~~(2) staff. The nurse or designee shall document the date, time, and results of the assessment.~~

17 ~~(8) Isolation may be used if requested by a juvenile and staff concur that the placement is~~
18 ~~in the best interest of the juvenile.~~

19 ~~(9) An assessment of a juvenile in isolation shall not be required to occur within the~~
20 ~~deadlines established in subsections (5) through (7) of this section, if the deadline falls within the~~
21 ~~normal sleep time for the facility. A delayed assessment shall occur within two hours of the normal~~
22 ~~awake time for the facility.~~

1 ~~(10) A juvenile in isolation shall be visited at least once a day by the facility manager or~~
2 ~~designee, medical or medically trained staff, and clinical or social work staff or designee. A~~
3 ~~juvenile may request a visit from clergy or other religious representative. All interactions with the~~
4 ~~juvenile during placement on isolation shall be documented.~~

5 ~~(11) The regional psychologist or designee shall conduct interviews and assessments for~~
6 ~~disturbances in mental status, including, for example, depression; suicidal ideation; impaired~~
7 ~~thought processes, cognition or memory; agitation; paranoia; self injurious behavior; evidence of~~
8 ~~bruises or other signs of trauma; and whether the juvenile's behavior has escalated beyond the~~
9 ~~staff's ability to control the juvenile by counseling or disciplinary measures.~~

10 ~~(12) If a juvenile exhibits deterioration in mental status while in isolation, the regional~~
11 ~~psychologist shall be contacted to determine the most appropriate action based on the treatment~~
12 ~~needs of the juvenile.~~

13 ~~(13) If a juvenile's problem behavior lasts twenty four (24) hours and there appears to be a~~
14 ~~need for continued intervention, qualified health personnel shall assess the juvenile daily.~~

15 ~~(14) The juvenile in isolation shall be afforded living conditions and privileges~~
16 ~~approximating those available to the general population, including modified access to recreation~~
17 ~~and educational and treatment services taking into consideration the juvenile's and facility safety~~
18 ~~and security needs.~~

19 ~~(15) The juvenile shall be responsible for the daily cleaning of their living area in isolation.~~

20 ~~(16) Release from isolation may occur based on the juvenile's behavior and state of mind.]~~

21 Section 5[2]. Restrictive housing for[~~Isolation of~~] suicidal juveniles.

22 (1) Restrictive housing[~~Isolation~~] shall not be used as a suicide precaution.

(2) A juvenile who is suicidal may only be placed in restrictive housing~~[isolation]~~ if the juvenile presents an immediate assault risk to staff or other juveniles as evidenced by physical actions and other less restrictive interventions have failed or are not appropriate. All other suicide protocols shall be followed.

Section 6~~[3]~~. Protective Custody.

(1) Restrictive housing shall not be used for protective custody.

~~(2)~~~~(4)~~ A juvenile requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or the juvenile is transferred to another facility.

~~(3)~~~~(2)~~ The superintendent~~[facility manager]~~ or designee may order immediate placement in protective custody~~[-or-isolation]~~ if it is necessary to protect the juvenile from harm. This action shall be reviewed every twenty-four (24) hours of placement by the superintendent~~[facility manager]~~ or designee. Separation from the general population beyond twenty-four (24) hours shall require approval by the superintendent who~~[facility manager Treatment Director and]~~ shall consider any mental health issues of the juvenile. The ~~[chief of]~~ mental health authority~~[services]~~ and a QMHP~~[regional psychologist]~~ shall be consulted by the superintendent. The action shall be reviewed by the multidisciplinary~~[treatment]~~ team within seventy-two (72) hours to decide on alternative permanent housing.

~~(4)~~~~(3)~~ A~~[The]~~ youth development center treatment team may develop a special management plan to assure the safety of and continuous services and programming for the juvenile.

505 KAR 1:410E. Restrictive housing and protective custody.

Approved: 9/25/25



Randy White
Commissioner
Department of Juvenile Justice

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this emergency administrative regulation amendment shall be held Tuesday, November 25, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until November 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

505 KAR 001:410E

Contact Person: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety

(1) Provide a brief summary of:

(a) What this administrative regulation does: The administrative regulation amendment establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers.

(b) The necessity of this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment installs safeguards to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth

development centers operated or monitored by the Department of Juvenile Justice.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation will affect the juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300.

(5) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): It will not cost the entities identified in question (3) anything to implement the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in restrictive housing and protective custody, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional initial costs to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding source for implementation and enforcement of this administrative regulation is DJJ budgeted funds for the biennium.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees or funding necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

505 KAR 001:410E

Contact Person: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601

Phone: (502) 564-8216

Email: Justice.RegContact@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Juvenile Justice

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

For subsequent years: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

2. Revenues:

For the first year: The administrative regulation amendment will not generate revenue.

For subsequent years: The administrative regulation amendment will not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

2. Revenues:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

3. Cost Savings:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the in the care or custody of the Department of Juvenile Justice will be affected by this administrative regulation amendment.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.

For subsequent years: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.

2. Revenues:

For the first year: The administrative regulation amendment will not generate revenue.

For subsequent years: The administrative regulation amendment will not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: A fiscal impact to implement this administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this administrative regulation, the Department of Juvenile Justice concluded there will be no fiscal impact.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): An overall negative or adverse major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.



U.S. Department of Justice
Civil Rights Division

Assistant Attorney General
950 Pennsylvania Ave. NW - RFK
Washington, DC 20530

May 15, 2024

The Honorable Andy Beshear
Office of the Governor
700 Capital Avenue
Suite 100
Frankfurt, Kentucky 40601

Re: Investigation of Kentucky Department of Juvenile Justice

Dear Governor Beshear:

I write to inform you that the United States Department of Justice is commencing an investigation of conditions in the following juvenile justice facilities operated by the Kentucky Department of Juvenile Justice (DJJ): (1) Adair Regional Juvenile Detention Center; (2) Adair Youth Development Center; (3) Boyd Regional Juvenile Detention Center; (4) Breathitt Regional Juvenile Detention Center; (5) Campbell Regional Juvenile Detention Center; (6) Fayette Regional Juvenile Detention Center; (7) Jefferson Regional Juvenile Detention Center; (8) McCracken Regional Juvenile Detention Center; and (9) Warren Regional Juvenile Detention Center. The Department will conduct this investigation under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, and the Violent Crime Control and Law Enforcement Act of 1994, 34 U.S.C. § 12601.

During this investigation, the Department will determine whether Kentucky engages in a pattern or practice of violating children's rights under the United States Constitution or federal law. Specifically, we will investigate whether Kentucky provides children confined in its facilities reasonable protection from excessive use of chemical force, physical and sexual abuse by staff and other children, and prolonged isolation. The investigation will also examine whether Kentucky provides adequate mental health care. Finally, the investigation will determine whether Kentucky provides special education and related services to children with disabilities required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1482.

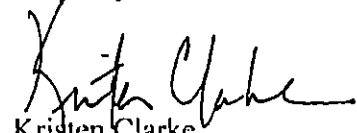
We have not reached any conclusions about the subject matter of the investigation. During the investigation, we will consider all relevant information, including the efforts Kentucky has taken to ensure compliance with the Constitution and federal law. We invite the Commonwealth to cooperate with our investigation and can assure you that we will seek to minimize any potential disruption our investigation may have on DJJ's operations.

If we conclude that there are no systemic violations, we will notify you that we are closing the investigation. If we conclude that there are systemic violations, we will inform you of our findings and attempt to work with the Commonwealth to remedy those violations. In our many years of civil rights enforcement, the good faith efforts of State, County, and local

jurisdictions to work with us have routinely enabled us to resolve our claims without resort to contested litigation.

Our Special Litigation Section and attorneys from United States Attorney's Offices for the Eastern and Western Districts of Kentucky will be handling this investigation. They will contact your office to discuss the next steps. Steven H. Rosenbaum, the Chief of the Special Litigation Section, may be reached at (202) 616-3244.

Sincerely,


Kristen Clarke
Assistant Attorney General

cc: Russell Coleman
Attorney General
Kentucky

Travis Mayo
General Counsel
Office of the Kentucky Governor

Randy White
Commissioner
Kentucky Department of Juvenile Justice

Tonya Burton
Superintendent
Adair Regional Juvenile Detention Center
Adair Youth Development Center

Hope Smith
Superintendent
Boyd Regional Juvenile Detention Center

Jason Little
Superintendent
Breathitt Regional Juvenile Detention Center

Tom Milburn
Superintendent
Campbell Regional Juvenile Detention Center

Joe Caskey
Superintendent
Fayette Regional Juvenile Detention Center

Donty Lear
Superintendent
Jefferson Regional Juvenile Detention Center

Felicia Weatherspoon-Howe
Superintendent
McCracken Regional Juvenile Detention Center

Kevin Foster
Superintendent
Warren Regional Juvenile Detention Center

Paul McCaffrey
First Assistant United States Attorney
United States Attorney's Office
Eastern District of Kentucky

Michael Bennett
United States Attorney
United States Attorney's Office
Western District of Kentucky



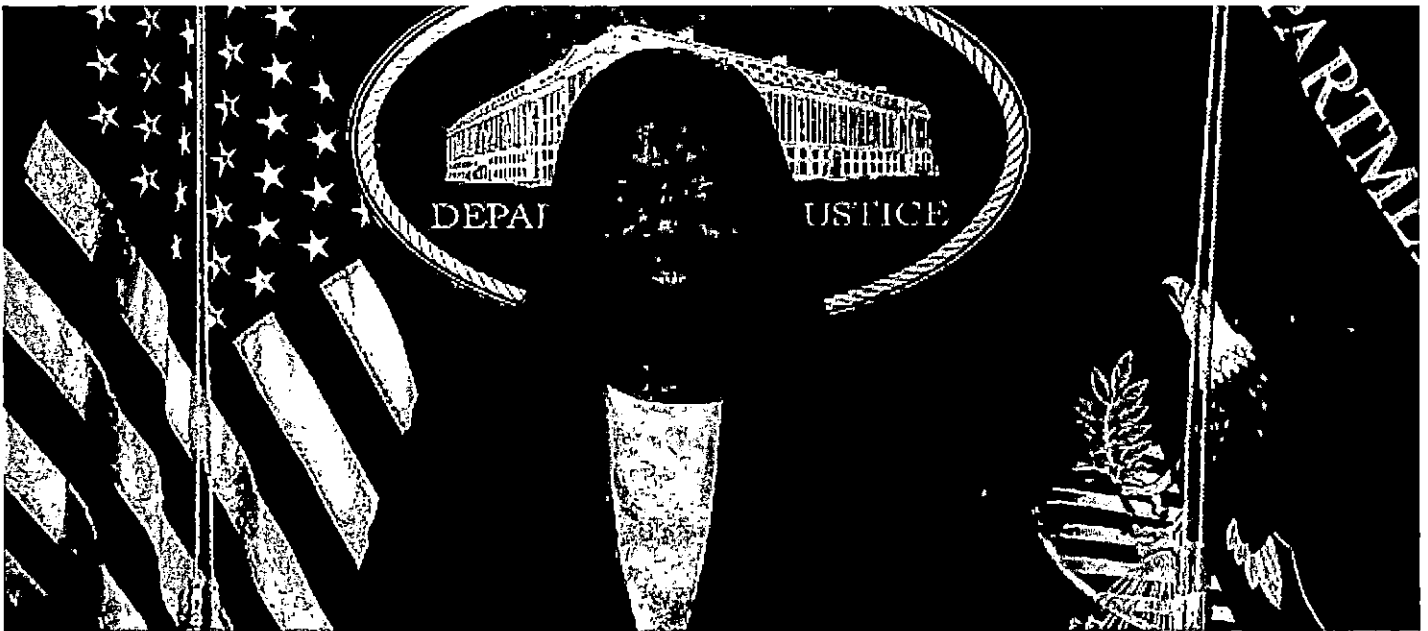
PRESS RELEASE

Justice Department Announces Civil Rights Investigation into Conditions at Kentucky Youth Detention Centers

Wednesday, May 15, 2024

For Immediate Release

Office of Public Affairs



Kristen Clarke

ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

The Justice Department announced today that it has opened a statewide investigation into the conditions at eight youth detention centers and one youth development center run by the Kentucky Department of Juvenile Justice.

The investigation will examine whether Kentucky protects children confined in these facilities from harm caused by excessive force by staff, prolonged and punitive isolation and inadequate protection from violence and sexual abuse. The investigation will also examine whether Kentucky provides adequate mental health services and required special education and related services to children with disabilities.

“Confinement in the juvenile justice system should help children avoid future contact with law enforcement and mature into law-abiding, productive members of society. Too often, juvenile justice facilities break our children, exposing them to dangerous and traumatic conditions,” said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division. “We are launching this investigation to ensure that children in Kentucky youth detention facilities are safe from harm, receive adequate mental health care and get appropriate special education services. All children held in the custody of the state deserve safe and humane conditions that can bring about true rehabilitation and reform.”

“The U.S. Attorney’s Office for the Western District of Kentucky stands ready to protect the rights of all children in Kentucky, including those who end up in juvenile detention,” said U.S. Attorney Mike Bennett for the Western District of Kentucky. “We look forward to partnering with the Civil Rights Division and our colleagues in the Eastern District to conduct a fair and thorough investigation of these allegations.”

This investigation focuses on detention centers, which primarily hold children awaiting a court hearing. Nationally, detention centers admit nearly 200,000 children every year, holding approximately 16,000 youth on any given night. The average length of stay for a child in detention is 27 days. Research shows that even far shorter stays can have profound and potentially lifelong negative consequences for children.

The department has not reached any conclusions regarding the allegations in this matter. The investigation will be conducted under the Civil Rights of Institutionalized Persons Act and the Violent Crime Control and Law Enforcement Act. Both statutes give the department the authority to investigate systemic violations of the rights of young people in juvenile justice facilities.

The Civil Rights Division’s Special Litigation Section is conducting this investigation jointly with the U.S. Attorneys’ Offices for the Western and Eastern Districts of Kentucky. Individuals with relevant information are encouraged to contact the department via phone at (888) 392-8241 or by email at Kentucky.Kids@usdoj.gov.

The division recently secured a settlement agreement involving the South Carolina Department of Juvenile Justice's Broad River Road Complex, the state's only long-term post-adjudication facility for children, and is currently investigating conditions at five post-adjudication facilities for children in Texas. Additional information about the Civil Rights Division's work protecting children's rights in the juvenile justice system is available on its website at www.justice.gov/crt/rights-juveniles.

Updated February 6, 2025

Topic

CIVIL RIGHTS

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Press Release Number: 24-610

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September 22, 2025

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September 18, 2025

Office of Public Affairs

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, DC 20530

For more information, contact the

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