

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Juvenile Justice

3 (Emergency Amended After Comments)

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, 635.095~~;~~

7 ~~635.100(7)], 640.120~~[-645.250]~~~~

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~[15A.065(1),]~~ 15A.0652, ~~[15A.160,]~~

9 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department
10 of Juvenile Justice to promulgate administrative regulations for the proper administration of the
11 cabinet and its programs. This administrative regulation establishes procedures for restrictive
12 housing~~[isolation]~~ and protective custody in juvenile detention centers and youth development
13 centers.

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

15 (1) Restrictive housing means the removal of a juvenile from the general population and
16 placement in a room with the door closed and secured due to a direct and clear threat to the
17 safety or security of the facility, staff, the juvenile or other juveniles. The juvenile's personal
18 items may be removed, including the mattress and bed linen except during normal sleeping
19 hours, unless the youth is on suicide watch pursuant to 505 KAR 1:120.

20 (2) Any reference to "isolation" in 505 KAR Chapter 1 or any DJJPP shall be interpreted
21 to be a reference to "restrictive housing."

(3) Restrictive Housing ~~[Isolation]~~ shall only apply to juveniles in juvenile detention centers and youth development centers.

(4) Restrictive housing shall only be used for behavior management. Restrictive housing shall not be used for punishment, staff convenience, or minor rule violations.

(5)[(2)] Restrictive housing shall only be used for a direct and clear ~~[A juvenile may be placed in isolation if the juvenile constitutes a]~~ threat to the safety or security of the facility, staff, ~~[-or a]~~ juvenile or other juveniles (hereinafter "direct and clear threat"), and only where less restrictive interventions have failed or cannot be safely implemented. Direct and clear threats include ~~including, but not limited to:]~~ ~~[.]~~

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

(a) Assault or attempted assault;

(b) Sexual assault or attempted sexual assault;

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

(d) Escape;

(e) Participating in a riot;

(f) Planning a riot;

(g) Possessing dangerous contraband as defined by **KRS 520.010(3)** ~~[KRS 120.0103];~~ ~~[-or]~~

(h) Causing extensive property damage; or

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

(6)[(3)] [The time periods in which action is necessitated by this regulation] The authorizations and visits in Section 2 and administrative reviews in Section 3(6) of this

Administrative Regulation are suspended ~~[during resident sleeping hours]~~ from 8:00 p.m. to 6:00 a.m., and any delayed action[assessment] shall occur within two (2) hours of 6:00 a.m. If the juvenile is asleep, he or she should not be disturbed for those purposes.

(7)[(4)] Prior to going into restrictive housing, the direct and clear threat[reason] shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time unwilling or unable to sign[presenting a danger to himself or others, or is being non-compliant], the juvenile's signature is not required, and staff shall indicate in writing such unwillingness or inability[danger or non-compliance].

(8)[(5)] Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed fifteen (15) minutes, and if the juvenile is awake, staff shall[-to] determine if the juvenile is in [juvenile's] compliance with the plan for release. These checks shall be contemporaneously documented on an observation log.

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

(10)[(7)]

(a) If the juvenile continues to demonstrate negative or concerning behaviors and does not respond to reasonable redirection and guidance from staff, or the juvenile's behavior escalates or is beyond control, a qualified mental health professional (QMHP) shall be contacted as soon as

possible by the administrative duty officer (ADO), youth services program specialist (YSPS), or superintendent but in no event not more than one (1) hour after the conduct occurs.

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

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

~~(11)~~~~(8)~~ If at any time a juvenile exhibits deterioration in mental status during a restrictive housing placement, including by failing to respond, by their statements, by their refusal to eat, or by their refusal to perform personal hygiene as observed by staff during the fifteen (15) minute checks, a QMHP shall be contacted immediately to determine the most appropriate action based on the treatment needs of the juvenile. The contact and the person making the contact shall be contemporaneously documented in an observation log.

~~(12)~~~~(9)~~ The juvenile shall be afforded living conditions and privileges approximating those available to the general population including modified access to recreation, educational and treatment services, taking into consideration the safety and security of the juvenile and the facility. All services shall be contemporaneously documented on a services log. Any adjustments shall be documented, including the reason for the change.

~~(13)~~~~(10)~~ The juvenile shall be responsible for keeping their room clean while in restrictive housing.

Section 2. Authorizations.

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

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

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

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

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

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

1 approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be
2 provided.

3 (7) A restrictive housing placement shall not exceed seventy-two (72) hours or three (3) days. If
4 grounds meriting restrictive housing placement are present after three (3) days, a special
5 management plan **modifying any treatment plan authorized by 505 KAR 1:120 to account for**
6 **the placement status shall be created by a QMHP. The**~~implemented and the~~ mental health
7 authority and the commissioner shall evaluate whether a mental health hospitalization of the
8 juvenile should be pursued.

9 Section 3. Visits and Assessments.

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

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

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

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

21 (5) If a juvenile's problem behavior lasts twenty-four (24) hours ~~and there appears to be a need~~
22 ~~for continued intervention~~, a QMHP shall assess the juvenile **no less than every twelve (12)**

1 hours. Any treatment provided shall be documented contemporaneously in the juvenile's medical
2 record.

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

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

16 Section 4. Documentation.

17 (1) All documentation shall be legible.

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

20 (a) An incident report;

21 (b) A services log;

22 (c) A medical checklist;

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

1 (e) A plan for release; and

2 (f) Any professional/administrative reviews.

3 (3) An incident report shall include:

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

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

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

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

10 (e) The duration of the placement; and

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

13 (4) A plan for release shall:

14 (a) Be authored by the staff in conjunction with the shift supervisor;

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

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

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

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

21 1. Regain control of their behavior;

22 2. ~~Willingness to participate in required activities;~~

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

1 3.[4.] Is no longer a direct and clear threat to the security, safety, or orderly management of
2 the facility.

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

5 (5) Observation log.

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

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

11 (c) The fifteen (15) minute checks shall be documented on an observation log.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~c. The mental health issues of the juvenile.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.[Section 3.] Protective Custody.

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

(2) 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.

1 (3)[(2)] The superintendent~~[facility manager]~~ or designee may order immediate placement in
2 protective custody~~[-or isolation]~~ if it is necessary to protect the juvenile from harm. This action
3 shall be reviewed every twenty-four (24) hours of placement by the superintendent~~[facility~~
4 ~~manager]~~ or designee. Separation from the general population beyond twenty-four (24) hours shall
5 require approval by the superintendent who~~[facility manager and Treatment Director and]~~ shall
6 consider any mental health issues of the juvenile. The ~~[chief of]~~mental health authority~~[services]~~
7 and a QMHP~~[regional psychologist]~~ shall be consulted by the superintendent. The action shall be
8 reviewed by a[the] multidisciplinary~~[treatment]~~ team, **composed of at least a DJJ corrections**
9 **officer or youth worker, the juvenile's counselor, health care staff, and the superintendent or**
10 **designee**, within seventy-two (72) hours to decide on alternative permanent housing.
11 (4)[(3)] A~~The~~ youth development center treatment team may develop a special management
12 plan to assure the safety of and continuous services and programming for the juvenile.

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

Approved: 12/12/2025

A handwritten signature in cursive script, appearing to read "Randy White", written over a horizontal line.

Randy White
Commissioner
Department of Juvenile

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

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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

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(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 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.

STATEMENT OF CONSIDERATION RELATING TO:
505 KAR 1:140E
Justice and Public Safety Cabinet
Department of Juvenile Justice
NOT AMENDED AFTER COMMENTS
and
505 KAR 1:410E
Justice and Public Safety Cabinet
Department of Juvenile Justice
AMENDED AFTER COMMENTS

I. A public hearing was held on 505 KAR 1:140E and 505 KAR 1:410E on November 25, 2025, at 9:00 a.m., at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Written comments were received during the public comment period.

II. The following people submitted written comments or commented at the public hearing:

<u>Name and Title</u>	<u>Agency/Organization/Entity, Other</u>
Allison Ball	Auditor of Public Accounts
Stacy Coontz	Senior Staff Attorney, Protection and Advocacy

III. The following people from the promulgating administrative body responded to the written and oral comments:

Name and Title
Randy White, Commissioner, Department of Juvenile Justice
Brian Lock, Executive Advisor, Department of Juvenile Justice
Dr. Russ Williams, Executive Advisor, Department of Juvenile Justice

IV. Summary of Comments and Responses

Subject Matter: DJJ Emergency Regulations 505 KAR 1:140E and 505 KAR 1:410E

1. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Striking DJJPP 717 from 505 KAR 1:140E removes protections for juveniles.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. The protections claimed as being lost by removing DJJPP 717 from regulation exist elsewhere in regulation. There is a robust juvenile rights section in 505 KAR 1:100 Section 3. The prohibition against using restraints as punishment is still in regulation in 505 KAR 1:210 Section 2(2). Protections governing how discipline is used are in 505 KAR 1:400 Section 1(2). The individual program plans that address "serious behavioral problems" are still in regulation in 505 KAR 1:400. The list of acceptable disciplinary measures or consequences is also in 505 KAR 1:400 Sections 1-12. The APA report, a Juvenile Justice Performance, Assessment of Facilities report performed by the contracted third-party vendor CGL Management Group, LLC, from January 2024 criticized DJJ for having conflicting rules, and many of these comments criticize DJJ for taking a major step in de-conflicting its rules. This policy was removed from incorporation within the regulation because portions of it conflict with several regulations.

2. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** The proposed regulation, 505 KAR 1:410E, does not define restrictive housing.

(b) **Response:** The Administrative Regulation was amended regarding this comment by adding that restrictive housing means "the removal of a juvenile from the general population and placement in a room with the door closed and secured due to a direct and clear threat to the safety or security of the facility, staff, the juvenile or other juveniles. The juvenile's personal items may be removed, including the mattress and bed linen except during normal sleeping hours, unless the youth is on suicide watch pursuant to 505 KAR 1:120."

3. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Section 1(3) and 1(4) and Section 2 of 505 KAR 1:410E violate Juvenile Detention Alternatives Initiative (JDAI) standards.

(b) **Response:** The Administrative Regulation was not amended regarding this comment because DJJ follows the standards set by the American Corrections Association (ACA), which is an international accrediting body. Juvenile Detention Alternative Initiative (JDAI) standards permit the use of isolation followed by transportation to a mental health hospital. Private hospitals are not required by federal or state law to accept violent juveniles

unless there is a life-threatening issue; therefore, it would be impossible for DJJ to follow this JDAI standard under the current juvenile justice system even if DJJ adopted these standards over ACA's. DJJ has repeatedly requested funds to build a high acuity facility. DJJ will continue to advocate for better access to mental health facilities.

4. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Section 1(3) of 505 KAR 1:410E must be clarified.

(b) **Response:** The Administrative Regulation was amended regarding this comment to clarify wording in previously numbered Section 1(3). Specifically, 505 KAR 1:410E previously numbered Section 1(3) was amended to state, "The authorizations and visits in Section 2 and administrative reviews in Section 3(6) of this Administrative Regulation are suspended from 8:00 p.m. to 6:00 a.m., and any delayed action shall occur within two (2) hours of 6:00 a.m. If the juvenile is asleep, he or she should not be disturbed for those purposes." 505 KAR 1:410E previously numbered Section 1(5) was amended to state, "Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed fifteen (15) minutes, and if the juvenile is awake, staff shall determine if the juvenile is in compliance with the plan for release. These checks shall be contemporaneously documented on an observation log."

5. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Section 1(4) of 505 KAR 1:410E doesn't make sense because a combative cannot sign paperwork.

(b) **Response:** The Administrative Regulation was amended regarding this comment. Specifically, previously numbered Section 1(4) was amended to read, "Prior to going into restrictive housing, the direct and clear threat shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time unwilling or unable to sign, the juvenile's signature is not required, and staff shall indicate in writing such unwillingness or inability." As written, this section encourages staff to discuss the issue with the juvenile in the hopes that this, along with the paperwork, will help de-escalate the juvenile and avoid the placement altogether. If the juvenile is unwilling or unable to the plan for release, then the placement can begin with the staff explaining the reason for the placement and the expectation to be released.

6. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** 505 KAR 1:410E imposes too many conditions on a child's release.

(b) **Response:** This Administrative Regulation was amended in response to this comment. Section 4(4)(e) was amended to reduce the specific behaviors to include in the plan for release to: 1. Regain control of their behavior; 2. Ability to interact in a calm manner; and 3. Is no longer a direct and clear threat to the security, safety, or orderly management of the

facility. It is appropriate for staff to be able to use different ways to communicate with the juvenile what is necessary to end the placement, and these phrases are different ways of addressing the same issue.

7. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Striking DJJPP 717 from 505 KAR 1:140E is simply a rebrand.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. *See* Section IV.1.(b).

8. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** These regulations do nothing to improve the administration's damaging use of isolation.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. The emergency regulation substantially alters the restrictive housing process by mandating in-person visits from facility leadership every four (4) hours, except during sleeping hours, prior to approving an extension, instead of the prior "daily" visits. Superintendents must receive permission from central office to continue a placement beyond eight (8) hours; this is an improvement from the previous threshold set at twenty-four (24) hours. Assessments by a Qualified Mental Health Providers are required both as needed basis and routinely for longer placements, mandating that the assessment occur in a specific time frame. Previously, no response time was designated. Earlier oversight of the use of restrictive housing facilitates communication between facilities and central office, preventing extensions for juveniles who are calm enough to leave.

9. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** The regulations do nothing to address the plethora of other problems, including a riot, alleged abuse cover ups, training issues, lacking a unified strategic direction, broken arms, and misconduct by staff.

(b) **Response:** The Administrative Regulation was not amended regarding this comment because this regulation is not designed to address issues outside the scope of the regulation.

10. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** DJJ staff skip safety checks.

(b) **Response:** The Administrative Regulation was not amended regarding this comment because the fifteen (15) minute bed checks remain required under this regulation and DJJPP 110.IV.2.

11. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** National Organizations caution against the use of isolation and recommend its prohibition.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. DJJ follows the standards set by the American Corrections Association (ACA), which is an international accrediting body. ACA standards limit “confinement” to a maximum of five (5) days, requiring daily visits from administrative, clinical, social work, religious, or medical units. Even Juvenile Detention Alternative Initiative (JDAI) standards permit the use of isolation followed by transportation to a mental health hospital. DJJ has repeatedly requested that a high acuity facility be built to house juveniles and would readily use the institution. Private hospitals are not required by federal or state law to accept violent juveniles unless there is a life-threatening issue; therefore, it would be impossible for DJJ to follow this JDAI standard under the current juvenile justice system.

12. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** The use of isolation should be limited to specific, narrowly defined circumstances such as “imminent threat” and too much discretion is given to DJJ as to when to use isolation.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. The prior version of the regulation listed reasons that “may” justify placement. 505 KAR 1:410E previously numbered Section 1(2) imposes a list of behaviors that justify placement under the mandate of “shall only,” clarifying that no other justifications are sufficient. The phrase “imminent threat” is itself ambiguous. Listing specific justifications for placement more clearly limits the permissible uses of restrictive housing. The “any other serious or violent behavior” is included in the emergency regulation because frontline staff need to feel safe to intervene in unclear, ever-changing circumstances to preserve the safety of other juveniles and staff. While no benefits to an individual may come from a restrictive housing placement, separating juveniles from the general population for short periods often allows for a juvenile’s mood to stabilize and for fight or flight responses to diminish. Permitting a juvenile on the verge of becoming violent to remain in close proximity to others is more dangerous to a juvenile’s health than potential long-term effects of being placed in restrictive housing for a limited period of time.

13. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Isolation may be used for suicide risk or medical isolation.

(b) **Response:** The administrative regulation was not amended regarding this comment. DJJPP 405.4, adopted as regulation in 505 KAR 1:120, controls the use of suicide interventions, which treats suicide distinctly from restrictive housing. DJJPP 404.10, adopted

as regulation in 505 KAR 1:120, permits a special needs treatment plan to be implemented by medical staff for juveniles who need to be separated from the population for medical purposes.

14. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** The use of isolation should be as short as possible.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. Previously numbered Section 1(5) requires a juvenile to be released if they are under reasonable control and complying with the terms of the plans for release. This section, combined with the fifteen (15) minute checks required by Section 1(5) and DJJPP 110, require frequent staff interactions with the juvenile and the obligation to release them if they are calm. The plan for release is limited to specific behaviors in Section 4(4) and prohibits generalized statements about respect and attitude from being the basis for a denial of a release. These safeguards go above and beyond the prior requirements while also presenting a realistic approach based on Kentucky's current juvenile justice system.

15. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** The conditions of isolation must be humane and respectful.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. All juveniles are protected at all times from inhumane conditions by 505 KAR 1:100 Section 3, which provides juveniles with rights that cannot be violated at any time, including during restrictive housing.

16. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Regular contact with staff and mental health professionals is essential.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. Staff are required to check on juveniles every fifteen (15) minutes as required by previously numbered Section 1(5) and DJJPP 110. Previously numbered Section 1(7) and (8) mandate that mental health professionals be contacted in certain situations. Section 3(5) requires visits from a mental health provider if the placement does not end in the first twenty-four (24) hours. Section 3(7) requires clinical or social work staff to visit with the juveniles once per day.

17. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Alternative solutions should always be explored before amending the regulations.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. This emergency regulation is part of the current regulatory framework, including

505 KAR 1:400, which provides for alternate methods of behavior management, including less restrictive placements. The limitation of restrictive housing to the list of justifications in previously numbered Section 1(2) operates in concert with the 505 KAR 1:400 and DJJ staff training so that less restrictive approaches will have already taken place before resorting to restrictive housing.

18. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** All staff should be properly trained in the procedures for placing a child in isolation and privileges that should still be afforded to them.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. DJJ created a restrictive housing and behavior management training to implement in the Training Academy mandated for all youth workers and correction officers. DJJ has the authority to require specific trainings of its staff through lawful orders as permitted in DJJPP 104. On December 1, 2025, DJJ published a training that current employees must complete, which will be incorporated into DJJ's training academy from this point forward.

19. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** Data from written documents and digital programs should be collected and reviewed routinely to monitor the use and overuse of isolation.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. Section 2 of the restrictive housing regulation requires facility staff to receive authorization from central office directly. The central office employees who would monitor and respond to overuses of restrictive housing are now directly responsible for the use of restrictive housing, which is a much more direct monitoring and compliance mechanism than reviewing aggregated data alone. Additionally, DJJ is implementing the Juvenile Kentucky Offender Management System, which will allow DJJ to aggregate and review trends in data, including restrictive housing placements along with the use of other behavior management tools.

20. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** DJJ should follow JDAI standards.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. JDAI is not an accrediting body. Their standards are helpful guidelines and several of their standards have already been met as detailed in other comment responses. DJJ follows ACA standards and is audited by an independent, ACA-trained auditor.

21. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** The APA report found that isolation was deficiently implemented by DJJ.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. This comment is from a report that is nearly two years old. DJJ published a training on December 1st, 2025, that is mandatory for all youth workers and correctional officers to reinforce this restrictive housing regulation that is already being implemented statewide in conjunction with the emergency regulation. DJJ facilities are on track to have all staff complete this training before January 1, 2026.

22. Commenter: Allison Ball, Auditor of Public Accounts

(a) **Comment:** 505 KAR 1:410E simply changes the word “isolation” to the phrase “restrictive housing.”

(b) **Response:** The Administrative Regulation was not amended regarding this comment. The Administrative Regulation changed more than just the word “isolation.” Section 2 (Authorizations) centralizes the extension of restrictive housing placement to central office employees who will only extend the placement if the juvenile is actively a direct and clear threat under the stricter language around justifications for a restrictive housing placement and the obligation to release the juvenile in previously numbered Section 1(2) and (6). This is a major overhaul of the old system, which allowed placements to last up to twenty-four (24) hours and permitted staff to deny release “based on the juvenile's behavior and state of mind.”

23. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Remove the sentence in Section 1(1) of 505 KAR 1:140E that states, “[r]estrictive housing shall only be used for behavior management.”

(b) **Response:** This Administrative Regulation was not amended in response to this comment. Restrictive Housing is the most severe room placement in a continuum of room placements used as a crisis management response to a juvenile's behavior. In other words, it is a response intended to manage a covered juvenile's behavior, leading to the phrase “behavior management.” The purpose of this phrase is to emphasize that the only justification for restrictive housing is as a response to behavior that constitutes a direct and clear threat to the safety of the juvenile, other juveniles, and staff, and not for prohibited reasons. Including positive justifications and negative limitations in regulation more clearly emphasizes when restrictive housing is appropriate.

24. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Remove the phrase security of the facility as a possible justification for restrictive housing placement in Section 1(2) of 505 KAR 1:140E.

(b) **Response:** This Administrative Regulation was not amended in response to this comment. The security of the facility is essential to the safety and well-being of the staff and other juveniles. Writing a list of permitted justifications that is too limited may make it illegal for staff to respond to a novel behavior with restrictive housing when it would be an appropriate

response. Helping staff understand when to use appropriate responses is better addressed through training than using rules that are overly restrictive on staff making mid-crisis judgments.

25. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Make changes to Section 1(2) about using less restrictive placements and correcting a scrivener's error, including the following specific edits to 505 KAR 1:140E Section 1(2):

Restrictive housing shall only be used for a direct and clear threat to the safety of ~~security of the facility~~, the staff, the juvenile, or other juveniles **and only where less restrictive interventions have failed or cannot be safely implemented. Circumstances may include, including, but are not limited to the following, but only when those behaviors create an actual, imminent risk of harm:** (a) Assault or attempted assault; (b) Sexual assault or attempted sexual assault; (c) Attempted escape; (d) Escape; (e) Participating in a riot; (f) Planning a riot; (g) Possessing dangerous contraband as defined by KRS ~~120.010(3)~~ **520.010(3)**; (h) Causing extensive property damage; or (i) Any other serious or violent behavior that compromises the safety and security of residents or staff.

(b) **Response:** This Administrative Regulation was amended in response to this comment by editing the section to say the following:

Restrictive housing shall only be used for a direct and clear threat to the safety of security of the facility, the staff, the juvenile, or other juveniles and only where less restrictive interventions have failed or cannot be safely implemented. Justifying circumstances include, but are not limited to the following: (a) Assault or attempted assault; (b) Sexual assault or attempted sexual assault; (c) Attempted escape; (d) Escape; (e) Participating in a riot; (f) Planning a riot; (g) Possessing dangerous contraband as defined by KRS 520.010(3); (h) Causing extensive property damage; or (i) Any other serious or violent behavior that compromises the safety and security of residents or staff.

26. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Remove Section 1(3) from 505 KAR 1:410E.

(b) **Response:** The Administrative Regulation was amended regarding this comment. 505 KAR 1:410E previously numbered Section 1(3) was amended to state "The authorizations and visits in Section 2 and administrative reviews in Section 3(6) of this Administrative Regulation are suspended from 8:00 p.m. to 6:00 a.m., and any delayed action

shall occur within two (2) hours of 6:00 a.m. If the juvenile is asleep, he or she should not be disturbed for those purposes.” If a juvenile falls asleep during a restrictive housing placement, they should not be disturbed until morning. If the placement is terminated, then the juvenile must be awakened and returned to general population. Staff is still be obligated to release juveniles if they are awake and calm, and staff is still be obligated to contact a QMHP if there are behaviors that meet the criteria set in the regulation. The original amendment was not intended to allow extended placements, but to allow juveniles to sleep peacefully if they fall asleep and eliminate non-essential in-person visits from leadership that will resume in the morning.

27. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend 505 KAR 1:410E Section 1(4) to state “Prior to going into restrictive housing, the reason shall be explained and the direct and clear threat identified to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile’s statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall be written in a formal plan developed by staff and shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time presenting a danger to himself or others, or is being non-compliant unwilling or unable to sign, the juvenile’s signature is not required, and but staff shall indicate in writing such danger or non-compliance refusal or inability and a second staff member shall sign as a witness.”

(b) **Response:** The Administrative Regulation was amended regarding this comment. 505 KAR 1:410E previously numbered Section 1(4) was amended to state, “Prior to going into restrictive housing, the direct and clear threat shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile’s statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time unwilling or unable to sign, the juvenile’s signature is not required, and staff shall indicate in writing such unwillingness or inability.”

Some of the recommendations were not adopted because later sections clarify document requirements, staff are required by policy to be honest in their reporting, and all staff are on camera with audio when filling these forms out. The additional requirements proposed by the commenter impose burdens on staff not justified when there are already safeguards in place.

28. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Clarify who the executive director is in Section 2(4) of 505 KAR 1:140E.

(b) **Response:** The Administrative Regulation was not amended regarding this comment. The specific executive directors are identified in policy and vary depending on the facility, and the precise steps of how and when they perform a duty is a matter that can be designated by policy. *Bowling v. Ky. Dep’t of Corrections*, 301 S.W.3d 478 (2010). This

emergency regulation imposes appropriate safeguards that identify levels of authority. the specific persons with such authority are or will be clarified in training and policy.

29. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 2(5) of 505 KAR 1:410E to clarify personnel and detail the timing of the authorization process and rephrase terms for the plan for release.

(b) **Response:** This Administrative Regulation was not amended in response to this comment. The specific person referred to by executive director and mental health authority are more appropriately identified in policy and vary depending on the facility, and the precise steps of how and when they perform a duty is a matter that can be designated by policy. *Bowling v. Ky. Dep't of Corrections*, 301 S.W.3d 478 (2010). This regulation imposes appropriate safeguards that identify levels of authority. The specific persons with such authority will be clarified in training and policy.

30. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 2(5) of 505 KAR 1:410E to rephrase specific behaviors justifying a continuation as dangers presented.

(b) **Response:** This Administrative Regulation was not amended in response to this comment. Requiring specific behaviors to be noted will force staff to identify what it is the juvenile is doing that makes the juvenile a clear and direct threat. Allowing staff to identify “dangers presented” may allow reliance on concerns related to past conduct—as opposed to present behaviors—to inappropriately justify continued placement in restrictive housing.

31. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 2(5) of 505 KAR 1:410E to require immediate release in the authorization process.

(b) **Response:** This Administrative Regulation was amended in response to this comment. Previously numbered Section 1(6) was amended to add the phrase “as soon as practicable”, which will apply to release considerations throughout the authorization process, but also reflect that “immediately” will not always be possible.

32. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 2(7) of 505 KAR 1:410E to include the elements of a special management plan.

(b) **Response:** This Administrative Regulation was not amended in response to this comment. Special management plan is defined in 505 KAR 1:010. The “therapeutic intervention” referenced in the definition is part of a treatment planning process permitted by the DJJPP 400 series, adopted as regulation in 505 KAR 1:120. Requiring the treatment plan to account for the logistical difficulties of a restrictive housing placement is what makes it a “special management plan.”

33. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 3(5) of 505 KAR 1:410E to expand when a QMHP should perform visits every two hours.

(b) **Response:** This Administrative Regulation was amended in response to this comment to strike the second part of the clause to say, “If a juvenile's problem behavior lasts twenty-four (24), a QMHP shall assess the juvenile no less than every 12 hours.” The responsive assessments from a QMHP in Section 1(7) & (8) provide sufficient protections for QMHP intervention before 24 hours. If the restrictive housing placement continues beyond 24 hours, then a QMHP must assess the juvenile at least every 12 hours.

34. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 4(4) of 505 KAR 1:410E to change the plans of the term for release.

(b) **Response:** This Administrative Regulation was amended in response to this comment. Section 4(4)(e) was amended to reduce the specific behaviors to include in the plan for release to: 1. Regain control of their behavior; 2. Ability to interact in a calm manner; and 3. Is no longer a direct and clear threat to the security, safety, or orderly management of the facility. It is appropriate for staff to be able to use different ways to communicate with the juvenile what is necessary to end the placement, and these phrases are different ways of addressing the same issue.

35. Commenter: Stacy Coontz, Protection and Advocacy

(a) **Comment:** Amend Section 6(3) of 505 KAR 1:410E to use treatment team instead of multidisciplinary teams.

(b) **Response:** The Administrative Regulation was amended in response to this comment to add “composed of at least a DJJ corrections officer or youth worker, the juvenile’s counselor, health care staff, and the superintendent or designee[.]” The specific persons required to perform a duty, and the precise steps of how and when they perform a duty is a matter that can be designated by policy. *Bowling v. Ky. Dep’t of Corrections*, 301 S.W.3d 478 (2010). This amended regulation imposes appropriate safeguards that identify that a multidisciplinary team must be used to review the transfer of the juvenile or the alternative placement within the facility.

V. Summary of Statement of Consideration and Action Taken by Promulgating Administrative Body

A public hearing was held on 505 KAR 1:140E and 505 KAR 1:410E on November 25, 2025, at 9:00 a.m., at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Written comments were received during the public comment period. The Department of Juvenile Justice considered and responded to the comments. 505 KAR 1:140E was not amended based on the comments received, and 505 KAR 1:410E was amended based on the comments received as follows:

Page 2
Section 1(1)(1)
Line 15

After “Restrictive housing”, insert the following:

means the removal of a juvenile from the general population and placement in a room with the door closed and secured due to a direct and clear threat to the safety or security of the facility, staff, the juvenile or other juveniles. The juvenile’s personal items may be removed, including the mattress and bed linen except during normal sleeping hours, unless the youth is on suicide watch pursuant to 505 KAR 1:120.

(2) Any reference to “isolation” in 505 KAR Chapter 1 or any DJJPP shall be interpreted to be a reference to “restrictive housing.”

(3) Restrictive Housing

Page 2
Section 1(1)
Line 16

Before “Restrictive housing shall only”, insert “(4)” and renumber subsequent subsections accordingly.

Page 2
Section 1(2)
Line 1

After “or other juveniles”, insert the following:

(hereinafter “direct and clear threat”), and only where less restrictive interventions have failed or cannot be safely implemented. Direct and clear threats include”

And delete the following:

including, but not limited to:

Page 3
Section 1(2)(g)
Line 11

After “as defined by”, insert KRS 520.010(3) and delete “KRS 120:0103”.

Page 3
Section 1(3)
Line 14

After “(3)”, delete the following:

The time periods in which action is necessitated by this regulation

And insert the following:

The authorizations and visits in Section 2 and administrative reviews in Section 3(6) of
this Administrative Regulation

Page 3
Section 1(3)
Line 14

After “are suspended”, delete “during resident sleeping hours”.

Page 3
Section 1(3)
Line 15

After “any delayed”, insert “action” and delete “assessment”.

Page 3
Section 1(3)
Line 16

After “6:00 a.m.”, insert the following:

If the juvenile is asleep, he or she should not be disturbed for those purposes.

Page 3
Section 1(4)
Line 17

After “housing, the”, insert “direct and clear threat” and delete “reason”.

Page 3
Section 1(4)
Line 21

After “at the time”, insert “unwilling or unable to”, and delete the following:

presenting a danger to himself or others, or is being non-compliant

Page 3
Section 1(4)
Line 22

After “such”, insert “unwillingness or inability” and delete “danger or non-compliance”.

Page 4
Section 1(5)
Line 2

After “minutes”, insert the following:

, and if the juvenile is awake, staff shall

And delete “to”.

Page 4
Section 1(5)
Line 2

After “determine”, delete “if”.

Page 4
Section 1(5)
Line 2

After “the”, insert “juvenile is in” and delete “juvenile's”.

Page 4
Section 1(6)
Line 6

After “population”, insert “as soon as practical”.

Page 7
Section 2(7)
Line 15

After “plan”, insert the following:

modifying any treatment plan authorized by 505 KAR 1:120 to account for the placement status

Page 7
Section 2(7)
Line 16

After “shall be”, insert the following:

created by a QMHP. The

and delete, “implemented and the”.

Page 8
Section 3(5)
Line 7

After “(24) hours”, delete the following:

and there appears to be a need for continued intervention

Page 8
Section 3(5)
Line 8

After “assess the juvenile”, add “no less than”.

Page 10
Section 4(4)(3)2.
Line 7

After “2.”, delete the following:

Willingness to participate in required activities; 3.

Page 10
Section 4(4)(e)4.
Line 9

Before "Is no longer a", insert "3." and delete "4."

Page 15
Section 6(3)
Line 17

After "reviewed by", insert "a" and deleted "the".

Page 15
Section 6(3)
Line 17

After "team", insert the following:

, composed of at least a DJJ corrections officer or youth worker, the juvenile's counselor, health care staff, and the superintendent or designee,