

1 JUSTICE AND PUBLIC SAFETY CABINET

2 Department of Juvenile Justice

3 (Amended After Comments)

4 505 KAR 1:410. 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. A mattress and bed linen shall  
19 be returned to the juvenile during normal sleeping hours unless the juvenile uses the mattress  
20 or linen to obstruct the view into the room or to obstruct the view of the in-room camera,  
21 attempts to destroy the mattress or linen, is on suicide watch pursuant to 505 KAR 1:120, or

otherwise uses the mattress or linen in a manner that creates a safety risk to the juvenile, other juveniles, or facility.

(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 ~~[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

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

3 ~~(6)(3)~~ [The time periods in which action is necessitated by this regulation] The  
4 authorizations and visits in Section 2 and administrative reviews in Section 3(6) of this  
5 Administrative Regulation are suspended ~~[during resident sleeping hours]~~ from 8:00 p.m. to  
6 6:00 a.m., and any delayed action~~[assessment]~~ shall occur within two (2) hours of 6:00 a.m. If  
7 the juvenile is asleep, he or she should not be disturbed for those purposes.

8 ~~(7)(4)~~ Prior to going into restrictive housing, the direct and clear threat~~[reason]~~ shall be  
9 explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The  
10 juvenile's statement shall be contemporaneously documented on the incident report. The release  
11 criteria in the plan shall state the behavioral expectations required for release, be explained to the  
12 juvenile, and be signed by the juvenile. If the juvenile is at the time unwilling or unable to  
13 sign~~[presenting a danger to himself or others, or is being non-compliant]~~, the juvenile's  
14 signature is not required, and staff shall indicate in writing such unwillingness or inability~~[danger~~  
15 or non-compliance].

16 ~~(8)(5)~~ Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed  
17 fifteen (15) minutes, and if the juvenile is awake, staff shall~~[-to]~~ determine if the juvenile is in  
18 [juvenile's] compliance with the plan for release. These checks shall be contemporaneously  
19 documented on an observation log.

20 ~~(9)(6)~~ If the juvenile is under reasonable control and demonstrating behavior according to the  
21 terms of the plan for release, the shift supervisor or above shall return the juvenile to the general  
22 population as soon as practicable. The time of release and the identity of the person releasing  
23 shall be documented contemporaneously on an observation log.

1     ~~(10)(7)~~

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

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

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

14     ~~(11)(8)~~ If at any time a juvenile exhibits deterioration in mental status during a restrictive  
15 housing placement, including by failing to respond, by their statements, by their refusal to eat, or  
16 by their refusal to perform personal hygiene as observed by staff during the fifteen (15) minute  
17 checks, a QMHP shall be contacted immediately to determine the most appropriate action based  
18 on the treatment needs of the juvenile. The contact and the person making the contact shall be  
19 contemporaneously documented in an observation log.

20     ~~(12)(9)~~ The juvenile shall be afforded living conditions and privileges approximating those  
21 available to the general population including modified access to recreation, educational and  
22 treatment services, taking into consideration the safety and security of the juvenile and the facility.

1 All services shall be contemporaneously documented on a services log. Any adjustments shall be  
2 documented, including the reason for the change.

3 ~~(13)~~(14) The juvenile shall be responsible for keeping their room clean while in restrictive  
4 housing.

5 Section 2. Authorizations.

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

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

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

19 (4) An extension of a restrictive housing placement beyond eight (8) hours, and for each four (4)  
20 hour extension up to twenty-four (24) hours, shall require approval of the executive director. The  
21 decision shall only be made after the superintendent or the ADO has visited with the juvenile to  
22 determine if the juvenile can comply with the plan for release. These visits and the specific  
23 behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is

1 under reasonable control and demonstrating behavior according to the terms of the plan for release,  
2 the juvenile shall be released. If not, the extension shall be approved and shall be  
3 contemporaneously documented on an observation log with the reason for the extension, and  
4 additional approval shall be obtained every four (4) hours.

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

16 (6) An extension of a restrictive housing placement beyond forty-eight (48) hours, and for each  
17 four (4) hour extension up to seventy-two (72) hours, shall require the approval of the cabinet  
18 secretary or designee after consulting with the mental health authority only after review and  
19 approval of the commissioner and the executive director. The commissioner and executive director  
20 shall only decide only after the superintendent or ADO has visited with the juvenile to determine  
21 if the juvenile can comply with the plan for release and the mental health assessment has been  
22 done as set out in Section 3(5) of this administrative regulation. These visits and the specific  
23 behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is

under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, additional approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be provided.

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

### Section 3. Visits and Assessments.

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

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

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

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

1 (5) If a juvenile's direct and clear threat[problem] behavior lasts twenty-four (24) hours[-and  
2 there appears to be a need for continued intervention], a QMHP shall assess the juvenile no  
3 less than every twelve (12) hours. Any treatment provided shall be documented  
4 contemporaneously in the juvenile's medical record.

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

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

#### 18 Section 4. Documentation.

19 (1) All documentation shall be legible.

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

22 (a) An incident report;

23 (b) A services log;



1 (c) A medical checklist;

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

3 (e) A plan for release; and

4 (f) Any professional/administrative reviews.

5 (3) An incident report shall include:

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

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

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

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

12 (e) The duration of the placement; and

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

15 (4) A plan for release shall:

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

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

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

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

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

23 1. Regain control of their behavior;

1        2. [Willingness to participate in required activities;

2        3.] Able to interact in a calm manner; and

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

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

7        (5) Observation log.

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

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

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

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

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

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

19       ~~[(4) Authorization shall be obtained from the facility manager, youth services program~~  
20       ~~supervisor, administrative duty officer, or shift supervisor prior to placing a juvenile into isolation.~~  
21       ~~If prior authorization cannot be obtained without jeopardizing the safety and security of the facility,~~  
22       ~~staff, or other juveniles, authorization shall be obtained immediately following the safe securing~~

1 of the juvenile. An isolation placement shall not exceed four (4) hours without further action as  
2 stated in subsections (5) through (7) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21       ~~(11) The regional psychologist or designee shall conduct interviews and assessments for~~  
22 ~~disturbances in mental status, including, for example, depression; suicidal ideation; impaired~~  
23 ~~thought processes, cognition or memory; agitation; paranoia; self-injurious behavior; evidence of~~

1 ~~bruises or other signs of trauma; and whether the juvenile's behavior has escalated beyond the~~  
2 ~~staff's ability to control the juvenile by counseling or disciplinary measures.~~

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

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

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

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

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

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

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

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

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

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

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

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

14    (4)[(3)] A[The] youth development center treatment team may develop a special management  
15    plan to assure the safety of and continuous services and programming for the juvenile.


16    **Section 7. Restrictive Housing for juveniles under 18 U.S.C. § 5043.**

17    **(1) If a juvenile is in DJJ custody while being proceeded against in federal district court**  
18    **under 18 U.S.C. § 5043, then a QMHP shall evaluate that juvenile if the juvenile is placed in**  
19    **a restrictive housing placement for three (3) hours.**

20    **(2) If the QMHP's evaluation indicates that continued placement in restrictive housing is**  
21    **necessary, then staff shall refer the juvenile to a hospital for admission and treatment.**

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

Approved: 1/14/2026

  
Randy White  
Commissioner  
Department of Juvenile



## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

505 KAR 001:410

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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 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 001:410

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 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 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 1:410  
Justice and Public Safety Cabinet  
Department of Juvenile Justice  
AMENDED AFTER COMMENTS

I. A public hearing was held on 505 KAR 1:410 on December 23, 2025, at 9:00 a.m., at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, but no one appeared to provide a comment. 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>       |
|-----------------------|--|
| 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 Regulation 505 KAR 1:410**

##### **1. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** DJJ should amend the restrictive housing regulation to be in compliance with 18 U.S.C. § 5043.

**(b) Response:** This Administrative Regulation was amended in response to this comment to add a carve out for the treatment of “covered juveniles,” as defined in 18 U.S.C. § 5043(1), in DJJ’s care as defined in 18 U.S.C. § 5043(1). It is an exceedingly rare event to have a covered juvenile in DJJ’s custody, and DJJ currently does not have a covered juvenile in its custody. The federal mandate highlights DJJ’s need to have access to hospital level care for juveniles and to operate a high acuity mental health facility because, while qualified mental health professional will be required to initiate a transfer, it is unlikely that a transfer will take place because hospitals routinely reject juveniles with any history of violent conduct.

##### **2. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** DJJ’s changes do not go far enough to elicit the necessary changes in agency policy and practice, do not ensure more substantial protections for youth from the misuse or abuse of these practices, and continue to fall short of a meaningful effort to limit or eliminate such practices. The CJCA and the JDA identify achievable standards with specific methods for reducing the use of isolation, and still the proposed regulation fails to impose many of those standards

**(b) Response:** This Administrative Regulation was not amended in response to this comment. The intended scope of this regulation is to improve the protections applicable to juveniles who present a clear and direct threat. The requested changes are beyond the scope of this regulation and ignore the other steps DJJ is taking to effect the requested changes. DJJ mandated training on the use and harms of restrictive housing for all current and new employees, which has already been implemented statewide. DJJ also contracted with the Lionheart Foundation to implement a program called EQ2 that encourages staff to de-escalate conflict using trauma informed communication, self-awareness, and fostering support between staff to help each other better de-escalate conflict. Limiting and ending the use of restrictive housing requires much more than changing a regulation, and DJJ is taking the steps to make changes system wide.

##### **3. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** Remove the sentence in Section 1(1) of 505 KAR 1:140 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.

4. **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 1:140.

(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 result in a regulatory violation and potential employment consequences if staff respond to a novel behavior that otherwise would be an appropriate response but for not being on the list. Moreover, creating a too limited list would make staff reluctant or resistant to take appropriate action because the action is not on the specific list. 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.

5. **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 1:140 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 ~~420.010(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.

**6. Commenter: Stacy Coontz, Protection and Advocacy**

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

**(b) Response:** The Administrative Regulation was amended regarding this comment. 505 KAR 1:410 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.

**7. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** Changes should be made to Section 1(8) so that juveniles are woken up to be removed from restrictive housing because the impact of waking a youth asleep on a concrete floor with no bedding or pillow seems minimal when compared to the documented adverse impacts of isolation on youth and the unnecessary extension of isolation for up to 12 hours.

**(b) Response:** The Administrative Regulation was amended regarding this comment by clarifying rules for mattresses and bed linens. The Administrative Regulation was not amended to require staff to wake juveniles. DJJ employs mental health professionals who have substantial institutional experience running juvenile facilities. This professional knowledge and institutional experience led DJJ to emphasize not disturbing sleep in these circumstances because sleep is connected to mental health and behavior more acutely and directly than sleeping alone in a room, especially in facilities where all juveniles have separate sleeping

accommodations. If a juvenile is awoken, there is no guarantee the juvenile will return to sleep, which may lead to more behavioral issues. Lastly, mattresses and bedding are not always removed during a restrictive housing placement, which was clarified in the amendment. Juveniles are never forced to sleep on a floor. At a minimum, juveniles are always provided a bunk to sleep to raise them off of the floor for sanitation purposes.

**8. Commenter: Stacy Coontz, Protection and Advocacy**

(a) **Comment:** The plain language of the regulation suspends 15-minute checks as it is a time-period in which an action is required by the regulation.

(b) **Response:** The plain language of the amended after comments language does not suspend 15-minute checks, which are required in Section 1(8). The new version of Section 1(6) only suspends the authorization process in Section 2 and administrative reviews in Section 3(6).

**9. Commenter: Stacy Coontz, Protection and Advocacy**

(a) **Comment:** Amend 505 KAR 1:410 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 1:410 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.

**10. Commenter: Stacy Coontz, Protection and Advocacy**

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

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

**11. Commenter: Stacy Coontz, Protection and Advocacy**

(a) **Comment:** Amend Section 2(5) of 505 KAR 1:410 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.

**12. Commenter: Stacy Coontz, Protection and Advocacy**

(a) **Comment:** Amend Section 2(5) of 505 KAR 1:410 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.

**13. Commenter: Stacy Coontz, Protection and Advocacy**

(a) **Comment:** Amend Section 2(5) of 505 KAR 1:410 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 reflects that a juvenile may not always be able to be “immediately” released. For example, the release process may be delayed due to a physical altercation elsewhere in the facility. Staff have to be able to respond to emergencies to prevent immediate harm to other juveniles and delaying the release of a juvenile from restrictive housing by a few minutes to aid in ending an altercation is appropriate.

**14. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** Amend Section 2(7) of 505 KAR 1:410 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.”

**15. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** Amend Section 3(5) of 505 KAR 1:410 to expand when a QMHP should perform visits and clarify that the behavior must be dangerous, not “problem behavior”.

**(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 direct and clear threat 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.

**16. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** Amend Section 4(4) of 505 KAR 1:410 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.

**17. Commenter: Stacy Coontz, Protection and Advocacy**

**(a) Comment:** Amend Section 6(3) of 505 KAR 1:410 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 1:410 on December 23, 2025, at 9:00 a.m., at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, but no one appeared to provide a comment. Written comments were received during the public comment period. The Department of Juvenile Justice considered 505 KAR 1:410 was amended based on the comments received as follows:

Page 1  
Section (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. A mattress and bed linen shall be returned to the juvenile during normal sleeping hours unless the juvenile uses the mattress or linen to obstruct the view into the room or to obstruct the view of the in-room camera, attempts to destroy the mattress or linen, is on suicide watch pursuant to 505 KAR 1:120, or otherwise uses the mattress or linen in a manner that creates a safety risk to the juvenile, other juveniles, or facility.

(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 1  
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 2  
Section 1(2)(g)  
Line 10

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

Page 2  
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 2  
Section 1(3)  
Line 15

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

Page 2  
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 2  
Section 1(4)  
Line 17

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

Page 2  
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 2  
Section 1(4)  
Line 22

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

Page 3  
Section 1(5)  
Line 2

After “minutes”, insert the following:

, and if the juvenile is awake, staff shall

And delete “to”.



Page 3  
Section 1(5)  
Line 2

After “determine”, delete “if”.

Page 3  
Section 1(5)  
Line 2

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

Page 3  
Section 1(6)  
Line 6

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

Page 6  
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 6  
Section 2(7)  
Line 16

After “shall be”, insert the following:

created by a QMHP. The

and delete, “implemented and the”.

Page 7  
Section 3(5)  
Line 7

After “juvenile’s”, insert “clear and direct threat” and delete “problem”.

Page 7  
Section 3(5)  
Line 7

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

and there appears to be a need for continued intervention

Page 7  
Section 3(5)  
Line 8

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

Page 9  
Section 4(4)(3)2.  
Line 7

After “2.”, delete the following:

Willingness to participate in required activities; 3.

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

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

Page 14  
Section 6(3)  
Line 17

After “reviewed by”, insert “a” and deleted “the”.

Page 14  
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,

Insert the following:

Section 7. Restrictive Housing for juveniles under 18 U.S.C. § 5043.

(1) If a juvenile is in DJJ custody while being proceeded against in federal district court under 18 U.S.C. § 5043, then a QMHP shall evaluate that juvenile if the juvenile is placed in a restrictive housing placement for three (3) hours.

(2) If the QMHP's evaluation indicates that continued placement in restrictive housing is necessary, then staff shall refer the juvenile to a hospital for admission and treatment.