

### **635.060 Options of court at dispositional hearing.**

If in its decree the juvenile court finds that the child comes within the purview of this chapter, the court, at the dispositional hearing, may:

- (1) Order the child or his parents, guardian, or person exercising custodial control to make restitution or reparation to any injured person to the extent, in the sum and upon the conditions as the court determines. However, no parent, guardian, or person exercising custodial control shall be ordered to make restitution or reparation unless the court has provided notice of the hearing, provided opportunity to be heard, and made a finding that the person's failure to exercise reasonable control or supervision was a substantial factor in the child's delinquency; or
- (2) Place the child under parental supervision in the child's own home or in a suitable home or boarding home, upon the conditions that the court shall determine, or place the child on probation under conditions that the court shall determine. At the time the child is placed on probation, the court shall explain to the child the sanctions which may be imposed if the court's conditions are violated, and shall include notice of those sanctions as part of its written order of probation. A child placed on probation shall be subject to the visitation and supervision of a probation officer or an employee of the Department of Juvenile Justice. Except as provided in KRS 635.083, a child placed on probation or parental supervision shall remain subject to the jurisdiction of the court until the child becomes eighteen (18) years of age, unless the child is discharged prior thereto by the court, except that if a person is placed on probation after the person reaches the age of seventeen (17) years and six (6) months, the probation shall be for a period not to exceed one (1) year; or
- (3) Commit or recommit the child to the custody of the Department of Juvenile Justice, or grant guardianship to a child-caring facility, a child-placing agency authorized to care for the child, or place the child under the custody and supervision of a suitable person. If the child is detained in an approved secure juvenile detention facility or juvenile holding facility in accordance with KRS 15A.200 to 15A.240 at the time the child is committed or recommitted to the custody of the Department of Juvenile Justice, the Department of Juvenile Justice shall accept physical custody of the child, remove the child from the approved secure juvenile detention facility or juvenile holding facility, and secure appropriate placement as soon as possible but not to exceed thirty-five (35) days of the time of commitment or recommitment. The Department of Juvenile Justice shall pay for the cost of detention from the date of commitment or recommitment, on the current charge, until the child is removed from the detention facility and placed. All orders of commitment may include advisory recommendations the court may deem proper in the best interests of the child and of the public. The commitment or placement shall be until the age of eighteen (18), subject to KRS 635.070 and to the power of the court to terminate the order and discharge the child prior thereto, except that if the commitment or placement is after a person has reached the age of seventeen (17) years and six (6) months, the commitment or placement shall be for an indeterminate period not to exceed one (1) year. The court, in its discretion, upon motion by the child and with the concurrence of the Department of Juvenile Justice, may authorize an extension

- of commitment up to age twenty-one (21) to permit the Department of Juvenile Justice to assist the child in establishing independent living arrangements; or
- (4) If the child is fourteen (14) years of age but less than sixteen (16) years of age, order that the child be confined in an approved secure juvenile detention facility, juvenile holding facility, or approved detention program as authorized by the Department of Juvenile Justice in accordance with KRS Chapter 15A for a period of time not to exceed forty-five (45) days; or
  - (5) If the child is sixteen (16) years of age or older, order that the child be confined in an approved secure juvenile detention facility, juvenile holding facility, or approved detention program as authorized by the Department of Juvenile Justice in accordance with KRS Chapter 15A for a period of time not to exceed ninety (90) days; or
  - (6) Any combination of the dispositions listed above except that, if a court probates or suspends a commitment in conjunction with any other dispositional alternative, that fact shall be explained to the juvenile and contained in a written order.

The Department of Juvenile Justice shall pay for the confinement of children confined pursuant to subsection (4) or (5) of this section in accordance with the statewide detention plan and administrative regulations implementing the plan.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 160, sec. 5, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 257, sec. 16, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 606, sec. 6, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 41, effective in part July 1, 1997, and in part July 15, 1997. -- Amended 1994 Ky. Acts ch. 226, sec. 3, effective July 15, 1994; and ch. 489, sec. 3, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 350, sec. 98, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 129, effective July 1, 1987.

**Legislative Research Commission Note** (7/15/96). Under 1996 Ky. Acts ch. 358, sec. 67(3), the amendments to this statute substituting the Department of Juvenile Justice for cabinet in subsection (2) of this statute, making changes in subsection (4) of this statute, and creating the text following subsection (6) of this statute by Section 41 of that Act become effective July 1, 1997. By their express terms, the amendments from 1996 Ky. Acts ch. 358, sec. 41 relating to subsections (4) and (5) of this statute become effective July 1, 1997, and the renumbering of subsection (6) is a necessary consequence thereof. Under 1996 Ky. Acts ch. 358, sec. 67(6), the amendment to subsection (1) of this statute by Section 41 of that Act becomes effective July 15, 1997. Under 1996 Ky. Acts ch. 358, sec. 67(1), the amendment to subsection (2) of this statute (other than the substitution of the Department of Juvenile Justice for cabinet) by Section 41 of that Act becomes effective July 15, 1997.