

**635.090 Options when child's case not to be handled under KRS Chapter 640 --  
Commitment to Department of Juvenile Justice.**

- (1) If the court chooses to treat the child as other than a youthful offender, if the Commonwealth fails to prove the criteria bringing a case under KRS Chapter 640, or if the county attorney elects not to proceed under KRS Chapter 640, the court may:
  - (a) If a child is fourteen (14) years of age or older and is adjudicated a public offender in the commission of a capital offense, Class A felony, or Class B felony, the court in its discretion may commit the child to the Department of Juvenile Justice for purposes of treatment or placement in a facility or program for an indeterminate period of time not less than six (6) months. The Department of Juvenile Justice may petition the court to continue the commitment for the purpose of completing a treatment program but the commitment shall not extend past the child's nineteenth birthday; or
  - (b) If a child is sixteen (16) years of age or older and is adjudicated a public offender in the commission of a felony offense and has previously been adjudicated delinquent of one (1) or more felony offenses not arising out of the same course of conduct in separate adjudications, or has previously been adjudicated a public offender for one (1) or more felony offenses not arising out of the same course of conduct in separate adjudications, the court in its discretion may commit the child to the Department of Juvenile Justice for purposes of treatment or placement in a facility or program for an indeterminate period of time not less than six (6) months. The Department of Juvenile Justice may petition the court to continue the commitment for the purpose of completing a treatment program, but the commitment shall not extend past the child's nineteenth birthday.
- (2) The Department of Juvenile Justice shall maintain jurisdiction over the child during the period of the commitment. The committing court may, upon motion of the Department of Juvenile Justice, order the child released from the facility or program operated by the Department of Juvenile Justice.
- (3) The Department of Juvenile Justice shall notify the committing court if it transfers the child to a different facility or program and note the reasons for the transfer.
- (4) The Department of Juvenile Justice shall notify the committing court prior to the termination of treatment or placement as to the future intentions of the Department of Juvenile Justice as they relate to continued treatment of the child.
- (5) The committing court may, upon motion of the child, grant shock probation to any child committed under this section after the child has been committed for a minimum of thirty (30) days.
- (6) After a child has been committed to the Department of Juvenile Justice as provided in this section, he may not then be transferred to the Circuit Court as provided for in KRS 640.020.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 443, sec. 22, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 46, effective in part July 1, 1997, and in part July 15, 1997. -- Amended 1988 Ky. Acts ch. 350, sec. 102, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 132, effective July 1, 1987.