

COMMONWEALTH OF KENTUCKY
MEMORANDUM OF UNDERSTANDING
BETWEEN THE
JUSTICE AND PUBLIC SAFETY CABINET
AND THE
CABINET FOR HEALTH AND FAMILY SERVICES

Whereas, the Secretary of the Cabinet for Health and Family Services and the Secretary of the Justice and Public Safety Cabinet have the authority to enter into a Memorandum of Understanding pursuant to KRS 194A.025 and KRS 15A.160;

Whereas, in response to a federal court order entered in the matter of *United States of America v. Commonwealth of Kentucky*, 95-CV-757-S, in the United States District Court for the Western District of Kentucky, the 1996 General Assembly created the Department of Juvenile Justice within the Justice and Public Safety Cabinet;

Whereas, pursuant to the same federal court order, the Justice and Public Safety Cabinet established an internal investigative unit, now known as the Internal Investigations Branch, to investigate abuse and neglect allegations involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹;

Whereas, the Justice and Public Safety Cabinet wishes to continue to assume responsibility for the investigation of allegations of child abuse and neglect involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹;

Whereas, the Justice and Public Safety Cabinet also wishes to serve as the designee of the Cabinet for Health and Family Services to receive reports of child abuse and neglect involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹;

Now, therefore, the Justice and Public Safety Cabinet and the Cabinet for Health and Family Services agree to the following:

A. Cabinet for Health and Family Services

The Cabinet for Health and Family Services hereby designates the Justice and Public Safety Cabinet as its representative under KRS Chapter 620 to conduct abuse and neglect investigations involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹. This designation originally took effect on February 15, 1997 and this agreement reflects a renewal of the designation.

Additionally, The Cabinet for Health and Family Services hereby names the Justice and Public Safety Cabinet as its designated representative pursuant to KRS 620.030(1) to receive reports of abuse or neglect involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹.

B. Justice and Public Safety Cabinet

The Justice and Public Safety Cabinet will continue to assume responsibility under KRS Chapter 620 as the designee of the Cabinet for Health and Family Services to conduct child abuse and neglect investigations involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹.


Specifically, the Justice and Public Safety Cabinet shall:

1. Serve as the Cabinet for Health and Family Services' designated representative under KRS 620.030(1) to receive reports of alleged abuse or neglect involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision¹; and continue to provide a mechanism to receive those reports;
2. Notify appropriate law enforcement agencies of allegations as required by KRS Chapter 620;
3. Initiate prompt investigations of reported allegations according to established policies and 500 KAR 13:020;
4. Forward completed investigations of substantiated special incidents (as defined in 500 KAR 13:020) that may involve abuse or neglect of a child, in accordance with KRS 620.030, to the Cabinet for Health and Family Services;
5. Provide information and cooperation to the Cabinet for Health and Family Services regarding substantiated allegations if needed in connection with an administrative hearing or court proceeding;
6. Continue to assume responsibility for any costs associated with fulfilling the terms of this memorandum of understanding to include staff salaries and other administrative costs.


This memorandum of understanding may be amended upon the mutual agreement of the parties and may be terminated by either party upon thirty (30) days written notice provided to the other party.

¹ The Justice and Public Safety Cabinet's Internal Investigations Branch will investigate abuse and neglect allegations involving youth under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision unless:

- (1) The alleged offender is not a Department of Juvenile Justice employee or contract employee; and
- (2) The abuse or neglect takes place outside of:
 - a. A Department of Juvenile Justice facility;
 - b. A facility contracted with the Department of Juvenile Justice; or
 - c. A facility housing Department of Juvenile Justice youth.


Audrey Tayse Haynes, Secretary
Cabinet for Health and Family Services

12-1-15
Date


Christina Heavrin, General Counsel
Cabinet for Health and Family Services

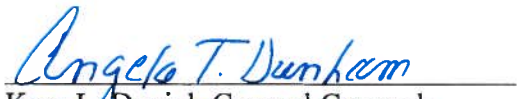
12-1-15
Date


Teresa James, Commissioner
Department for Community Based Services

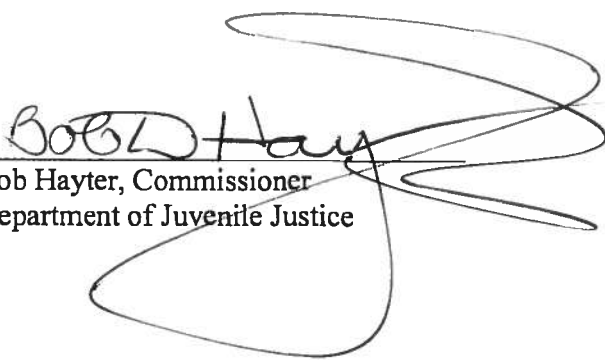
12-1-15
Date


J. Michael Brown, Secretary
Justice and Public Safety Cabinet

12-2-15
Date


~~Kara L. Daniel, General Counsel~~
Justice and Public Safety Cabinet
ANGELA T. DUNHAM, OFFICE OF LEGAL SERVICES

12-3-15
Date


Bob Hayter, Commissioner
Department of Juvenile Justice

12/3/15
Date