

Kentucky:

TITLE III. EXECUTIVE BRANCH
CHAPTER 16. STATE POLICE
DEPARTMENT OF STATE POLICE

§ 16.175. Abduction of children -- Kentucky Amber alert system -- Department to operate in cooperation with other agencies

(1) The Department of State Police, in cooperation with the Transportation Cabinet, the Division of Emergency Management, the Kentucky Broadcasters Association, and the Kentucky Press Association, shall operate a system to notify the public when a child has been abducted and the Department of State Police determines that public notification might aid in the recovery of the child. The system shall be known as the Kentucky Amber alert system.

(2) The system shall utilize existing resources, including but not limited to electronic highway signs, the emergency broadcast system, law enforcement communications systems, and local, regional, and statewide media providers.

(3) No public alert using the system shall be issued unless the Department of State Police, in consultation with the law enforcement agency in the jurisdiction in which the abduction of a minor occurred, have determined:

(a) That the minor has actually been abducted or that all available evidence strongly indicates that the minor has been abducted;

(b) That public notification is the most appropriate method of recovering the child in a safe and efficient manner; and

(c) The geographic area in which the notification shall be made.

(4) If it is determined by the Department of State Police that public notification shall be initiated, the Department of State Police shall notify the public and private agencies and organizations which will actually provide the notification and shall provide those organizations and agencies with the information which the Department of State Police deems necessary.

(5) All law enforcement agencies in the Commonwealth shall cooperate with the Department of State Police in the provision and dissemination of information regarding any abducted minor.

(6) No law enforcement agency, other than the Department of State Police, shall activate the notification system specified in this section without the authority of the Department of State Police.

(7) The system shall be operated by all agencies of the Commonwealth within existing budgetary appropriations.

§ 17.450. Kentucky Missing Child Information Center

(1) The Justice Cabinet shall establish within the cabinet a "Kentucky Missing Child Information Center", which shall serve as a central repository of and clearinghouse for information about Kentucky children believed to be missing and children from other states believed to be missing in Kentucky.

(2) The cabinet shall provide the Missing Child Information Center with computer equipment and a computer program which shall list and be capable of immediately retrieving the name and complete description of any missing Kentucky child referred to in subsection (1) of this section.

(3) The cabinet shall design the computer program so as to accept and generate complete information on a missing child, which information shall be retrievable by the child's name and date of birth, social security number, fingerprint classification, any number of physical descriptions, including hair and eye color and body marks, and known associates and locations.

(4) Only law enforcement agencies shall be authorized to order missing child information entered into or retrieved from the missing child information center computer, except that a parent or guardian may order from the State Police information on his or her child to be entered or retrieved when another law enforcement agency has refused to enter or retrieve such missing child information.

(5) The cabinet, through the Kentucky Missing Child Information Center, shall regularly issue flyers containing physical and situational descriptions of missing children when requested by a law enforcement agency or when determined by the cabinet.

(6) For purposes of this section, child shall mean any person under eighteen (18) years of age or any person certified or known to be mentally incompetent or disabled.

(7) A complete written report shall be issued annually by the cabinet, which report shall include statistical information on the numbers of missing children entered on the computer and located and recommendations for more accurate and timely reports and better usage of the computer.

(8) The cabinet may issue regulations in conformance with this section which provide for the orderly receipt of missing child information and requests for retrieval of missing child information.

(9) The Kentucky State Police and each city, county, and urban-county police department and each sheriff's office shall fingerprint children without charge on forms provided by the cabinet. The completed fingerprint forms shall be delivered to the child's parent or guardian and no copy of the fingerprint form shall be retained by the police department or sheriff's office.

§ 17.460. Procedure by law enforcement agency upon receipt of report of **missing child** --
Transportation and return of **child** once located

(1) Upon notification by a parent, guardian, person exercising custodial control or supervision, or the authorized representative of the Department for Community Based Services of the Cabinet for HEALTH AND FAMILY SERVICES if the child is a ward of the state, that a child is missing, the law enforcement agency receiving notification shall immediately complete a missing person's report in a form prescribed by the Justice Cabinet which shall include information the Justice Cabinet deems necessary for the identification of the missing child, including the child's physical description, last known location, and known associates.

(2) Within twenty-four (24) hours after completion of the missing person's report form, the law enforcement agency shall transmit the report for inclusion within the Kentucky Missing Child Information Center computer and shall cause the report to be entered into the National Crime Information Center computer.

(3) Within twenty-four (24) hours thereafter, the law enforcement agency shall investigate the report, shall inform all appropriate law enforcement officers of the existence of the missing child report, and shall communicate the report to every other law enforcement agency having jurisdiction in the area.

(4) (a) Upon location of the missing child and verification of the National Crime Information Center entry, the law enforcement agency shall transport the child to the parent, guardian, or person exercising custodial control or supervision.

(b) If the child is a ward of the state, the law enforcement agency shall transport the child to the authorized representative of the Department for Community Based Services of the Cabinet for HEALTH AND FAMILY SERVICES in the jurisdiction of the law enforcement agency.

(c) If the law enforcement agency is unable to return the child to the appropriate caretaker pursuant to paragraph (a) of this subsection, the law enforcement agency shall contact the court-designated worker with jurisdiction for placement determination.

(d) If the child is in custody on a charge of committing an offense pursuant to KRS Chapters 600 to 645, the law enforcement agency shall proceed according to the provisions therein.

(5) Within twenty-four (24) hours after a missing child is located and returned to the appropriate caretaker pursuant to subsection (4) of this section, the law enforcement agency which transported, found, or returned the missing child shall notify both the Missing Child Information Center and the National Crime Information Center of that fact.

§ 17.470. Notification by State Police of missing and recovered children

(1) Upon receipt of a report of a missing child who was born in the Commonwealth, the Kentucky State Police shall notify within forty-eight (48) hours the state registrar of vital statistics for the Commonwealth of the disappearance of such child and shall provide to the state registrar identifying information about the missing child. Upon learning of the recovery of a missing child, the Kentucky State Police shall notify the state registrar.

(2) The Kentucky State Police shall provide the commissioner of education with a list of the names of all missing children and children who have been recovered along with, if available, the

last known school of enrollment. The commissioner of education shall provide the information to schools as required in KRS 156.495.

§ 39F.180. Reports of search and rescue missions -- Immediate search for lost, missing, or overdue person permitted

(1) All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:

(a) The local emergency management director; and

(b) The local search and rescue coordinator for the jurisdiction in which the person is reported missing.

(2) (a) Any search for a missing minor, as that term is defined in KRS 2.015, shall be reported to the Kentucky State Police by the person or organization to whom the missing minor is reported.

(b) A search for a person who is known or reported to have an organic brain disorder, including but not limited to Alzheimer's disease, shall immediately be reported to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.

(c) The making of this report does not relieve the person or organization from the duty to make other notifications and reports required in this section.

(3) Any search and rescue mission which has lasted four (4) hours without the subject being located, shall be immediately reported to the duty officer of the Division of Emergency Management by telephone or radio.

(4) The results of each lost, missing, or overdue person report or search mission required to be reported under subsections (1) to (3) of this section shall be reported to the division and the local director on forms provided by the division and containing the information required by administrative regulation. The report shall be filed within twenty (20) days after:

(a) The search and rescue mission is discontinued; or

(b) The victim has not been found and a decision is made to keep the case open or continue searching on a limited basis, whichever occurs earlier.

(5) Each agency required to notify a local emergency management director or the division of a report of a missing person, or a search mission pursuant to this section shall develop a written standard operating procedure for handling and reporting requests to search for missing, lost, or overdue persons. This standard operating procedure shall be a public record.

(6) The contents of reports, information to be conveyed upon notification, and other matters relating to the administration of this section and the securing of information required hereby shall be specified by the division by administrative regulations.

(7) There is no requirement in Kentucky to delay the search for or rescue of any lost, missing, or overdue person. Any person who is reported lost, missing, or overdue, adult or child, may be searched for immediately by any emergency management, fire, law enforcement, emergency medical services, search and rescue, rescue squad, or other similar organization to which a missing or overdue person is reported. No public safety answering point, emergency dispatch center, or 911 center shall delay any call reporting a person lost, overdue, or missing to the organization specified in the county search and rescue annex of the county emergency management plan as responsible for searching for lost, missing, or overdue persons.

TITLE XIII. EDUCATION
CHAPTER 156. DEPARTMENT OF EDUCATION
MISCELLANEOUS

§ 156.495. Program to identify and locate missing children enrolled in Kentucky schools

(1) The Department of Education shall weekly distribute the names, provided by the Kentucky State Police, of all missing children and children who have been recovered to all public and private schools admitting children in preschool through grade twelve (12).

(2) Every public and private school in this state shall notify local law enforcement or the Kentucky State Police at its earliest known contact with any child whose name appears on the list of missing Kentucky children.

(3) The department shall encourage each public and private school to engage in a program whereby the parents of children who are absent from school are notified in person or by telephone to verify if they know that the child is not attending school.

§ 158.032. Flagging record of missing child -- Procedure upon recovery -- Documents required upon enrollment or transfer

(1) Upon notification by the commissioner of education of a child's disappearance, any school in which the child is currently or was previously enrolled shall flag the record of the child so that when a copy of or information regarding the child's record is requested, the school shall be alerted that the record is that of a missing child. The school shall immediately report to local law

enforcement or the Kentucky State Police any request concerning flagged records or any knowledge as to the whereabouts of any missing child.

(2) Upon notification by the commissioner of education of any missing child who has been recovered, the school shall remove the flag from the child's record.

(3) Upon enrollment of a student for the first time in any elementary or secondary school, the school shall notify in writing the person enrolling the student that within thirty (30) days the person shall provide either:

(a) A certified copy of the student's birth certificate; or

(b) Other reliable proof of the student's identity and age, and an affidavit of the inability to produce a copy of the birth certificate.

(4) Upon the failure of a person enrolling the student to comply with this section, the school shall notify the person in writing that unless he complies within ten (10) days the case shall be referred to the Kentucky State Police or local law enforcement officials for investigation. If compliance is not obtained within the ten (10) day period, the school shall so refer the case.

(5) Within fourteen (14) days after enrolling a transfer student, each elementary or secondary school shall request directly from the student's previous school a certified copy of the student's record. Any school receiving a request of a student's record which has been flagged as the record of a missing child shall not forward the student's record but shall instead notify local law enforcement or the Kentucky State Police.

§ 213.061. Flagged birth certificate of child reported missing

(1) Upon notification by the Justice Cabinet that a child born in the Commonwealth is missing, the state registrar of vital statistics shall flag the birth certificate record of the child in such a manner that whenever a copy of the birth certificate or information regarding the birth record is requested, the state registrar shall be alerted to the fact that the certificate is that of a missing child.

(2) Upon notification by the Justice Cabinet that a missing child has been recovered, the state registrar shall remove the flag from the child's birth certificate record.

(3) In response to any inquiry for a copy of a flagged birth certificate of a missing child, the state registrar shall not provide a copy of the birth certificate except as approved by the Justice Cabinet.

(4) When a copy of a flagged birth certificate is requested in person, the state registrar or the designee accepting the request shall inform the person making the request that a copy of a certificate will be mailed to the requester. The state registrar shall, upon the departure of the

requesting person, immediately notify the Justice Cabinet as to the request and the information obtained pursuant to this subsection.

(5) When a copy of a flagged birth certificate is requested in writing, the state registrar shall immediately notify the Justice Cabinet as to the request and shall provide a copy of the written request.

TITLE XVII. ECONOMIC SECURITY AND PUBLIC WELFARE
CHAPTER 199. PROTECTIVE SERVICES FOR CHILDREN--ADOPTION
"CODE ADAM" SAFETY PROTOCOL

KRS § 199.015 (2004)

§ 199.015. "Code Adam" safety protocol

The "Code Adam" safety protocol is hereby established and shall be implemented by all administrators in state buildings in the following manner:

(1) When a parent, tutor, or guardian notifies any employee of a state building that his or her **child** is lost or **missing**, the employee shall obtain from the parent, tutor, or guardian a detailed description of the minor, including but not limited to the name, age, color of eyes, height, weight, clothing, and the shoes the **child** was wearing at the time the **child** was last seen before becoming lost or **missing**;

(2) From the closest telephone available, the same employee shall alert the state building administrator or the person designated in the state building's "Code Adam" plan, who shall then notify the occupants of the state building through the loudspeaker system or through any other fast and effective means of communication that "Code Adam" has been activated;

(3) The employee shall escort the parent, tutor, or guardian to the main door of the state building to help in identifying the child;

(4) Persons designated by the administrator shall monitor all state building exits to ascertain that the minor does not leave the state building without the parent, tutor, or guardian. In addition, two (2) or more employees, as may be necessary, shall be assigned to search the parking areas of the state building. This process shall not entail the closing or locking of any door of the state building;

(5) Any child, or person with a child, leaving the state building shall be asked to go through the main exit previously designated by the administrator. If, once there, the child or person wishes to leave the state building, he or she shall be allowed to do so after it has been determined that the minor who is leaving is not the child being searched for and that the person with the minor is the parent, tutor, or guardian of the child, and the person presents a government-issued photo identification;

(6) After "Code Adam" has been announced through the state building's loudspeaker system or through any other fast and effective means of communication, the employees shall search throughout the entire state building, and at least two (2) employees, or more as deemed necessary, shall be assigned to each floor to certify that the minor is not present. Employees who are directly serving a member of the public at that time and employees who have been previously excluded by the administrator shall not be compelled to participate in the search;

(7) If the minor is found unharmed and appears to have been simply lost or **missing** in the state building, the **child** shall be immediately taken to the parent, tutor, or guardian;

(8) If the minor is found in the company of any person other than the child's parent, tutor, or guardian, any reasonable means shall be taken to delay the exit of the child and the person with whom the child was found from the state building until a peace officer arrives, the child and the person with whom the child is found both are properly identified, and the circumstances of the situation are determined;

(9) If the minor is not found within a ten (10) minute period, the state building administrator shall notify a state or local law enforcement agency that a **child** is lost or **missing** and provide the information then known about the lost or **missing child**. The law enforcement agency shall respond to the scene and shall take control of the incident. The law enforcement agency may request that the local search and rescue coordinator provide additional resources to search for the lost or **missing child**. The law enforcement agency and the local dispatch center shall take the actions required by KRS 17.450, 17.460, and 39F.180;

(10) Upon the location of the lost or **missing child** or the arrival of a peace officer from the law enforcement agency which was notified of the lost or **missing child**, whichever occurs earlier, the state building administrator shall cause an announcement of the ending of the "Code Adam" by the state building loudspeaker or other fast and effective means of communication; and

(11) Upon the ending of the "Code Adam," the state building administrator shall prepare three (3) copies of a report of the incident, which shall:

(a) Be sent within three (3) working days to the secretary of the Finance and Administration Cabinet and the commissioner of the Department of State Police; and

(b) Be kept in the administrative files of the state building for a period of three (3) years from the date of the incident.

§ 199.017. Finance and Administration Cabinet to implement "Code Adam" program -- Training -- Signs -- Drills -- Annual report

The secretary of the Finance and Administration Cabinet, in consultation with the Justice Cabinet through the Department of State Police, shall:

(1) Be responsible for coordinating implementation of the "Code Adam" program throughout the Commonwealth;

(2) Provide training to administrators of state buildings and employees designated by those administrators in the implementation of the "Code Adam" program;

(3) Provide training in procedures for the search of state buildings and grounds for lost and missing children;

(4) Print and distribute signs to each public agency for use in each state building relating to the "Code Adam" program and how to initiate a "Code Adam." The signs shall be not less than twelve (12) inches square and have white letters and a purple background containing the information specified by the cabinet by administrative regulation;

(5) Provide for annually conducting a "Code Adam" drill at each facility covered by the provisions of KRS 199.013 to 199.019;

(6) Provide for the collection of statistics from each facility covered by the provisions of KRS 199.013 to 199.019 on each "Code Adam" within the state building;

- (7) Provide an annual report to the Governor, the Department of State Police, the Legislative Research Commission, and the General Assembly on each "Code Adam" within the Commonwealth during the previous calendar year and the results of each "Code Adam" incident. The annual report shall be a public record and shall not include the name or other identifying information, other than gender and age, of the child; and
- (8) Promulgate administrative regulations necessary for the implementation of the "Code Adam" program as required by KRS 199.013 to 199.019.

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