

1 **AN ACT** relating to the educational stability of children in out-of-home placements.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔ SECTION 1. A NEW SECTION OF KRS 199.800 TO 199.805 IS CREATED
4 TO READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Best interest of the child" means the determination regarding the
7 enrollment of a child made when considering all factors relating to the best
8 interest of a child, as outlined in 20 U.S.C. secs. 6301 et seq., including but
9 not limited to:

- 10 1. The benefits to the child of maintaining educational stability;
- 11 2. The appropriateness of the current educational setting;
- 12 3. The child's attachment and meaningful relationships with staff and
13 peers at the current educational setting;
- 14 4. The influence of the school's climate on the child;
- 15 5. The safety of the child; and
- 16 6. The proximity of the placement to the school of origin, and how the
17 length of a commute would impact the child;

18 (b) "Child" means any person who has not reached his or her eighteenth
19 birthday, unless otherwise provided, that is in the care of the department;

20 (c) "Educational stability" means the maintenance of the enrollment of a child
21 in a particular school upon a transition to a different placement or living
22 arrangement when such maintenance is in the best interest of the child, and
23 if not, the enrollment of the child in a new school in a time and manner that
24 ensures the child experiences a minimal lapse in school attendance; and

25 (d) "School of origin" means the public school in which the child was enrolled
26 immediately prior to placement.

27 (2) In determining the placement of a child under KRS 199.801, the department

1 shall, if practicable, locate a placement within the same school district where the
2 child was most recently enrolled to allow the child to remain enrolled in the
3 school of origin.

4 (3) (a) The department, in consultation with the local education agency, shall
5 make the determination on whether the child shall remain enrolled in the
6 school of origin based on the best interest of the child, weighing the
7 promotion of educational stability as a primary factor.

8 (b) In accordance with 20 U.S.C. secs. 6301 et seq., the cost of transportation
9 shall not be a factor in determining the best interest of a child for an
10 enrollment decision.

11 (4) If the department finds it is in the best interest of a child to remain in the school
12 of origin upon placement of the child in a new school district, reasonable
13 transportation shall be offered from the location of placement to the school of
14 origin in which the child is enrolled for any regularly scheduled school day. In
15 accordance with 20 U.S.C. secs. 6301 et seq., costs incurred by a school district,
16 foster parent, child-placing agency, or child-caring facility for transportation to
17 the school shall be reimbursed by the department upon request.

18 (5) Upon the determination that changing a child's school of enrollment is in the
19 best interest of the child:

20 (a) The child welfare and local education agencies shall collaborate to ensure
21 the immediate and appropriate enrollment of the child;

22 (b) The child's caseworker shall immediately contact the receiving district to
23 enroll the child;

24 (c) In accordance with 20 U.S.C. secs. 6301 et seq., the new school shall
25 immediately enroll the child, even if the child is unable to produce records
26 required for enrollment, including but not limited to:

27 1. Academic records;

1 2. Medical records; and

2 3. Proof of residency;

3 (d) The new school shall immediately request the records of the child from the
4 child's previous school;

5 (e) The previous school shall provide the new school:

6 1. Notwithstanding KRS 159.170, all records within the student
7 information system maintained by the Kentucky Department of
8 Education regarding the child within three (3) working days of receipt
9 of a request made under this subsection; and

10 2. In accordance with KRS 159.170, all remaining records regarding the
11 child within ten (10) working days of receipt of a request made under
12 this subsection;

13 (f) The department responsible for the child shall be granted access to all
14 educational records in order to facilitate the proper transfer of the child;

15 (g) In accordance with KRS 158.140(1), promotions or credits earned in
16 attendance in any approved public school shall be accepted as valid at the
17 new school; and

18 (h) The department, each local education agency, and foster parents shall
19 collaborate to ensure the educational stability of each child.

20 (6) The district in which the child is enrolled upon his or her successful completion
21 of all high school graduation requirements shall issue a diploma indicating
22 graduation from high school to the child.

23 ➔Section 2. This Act may be cited as the Uninterrupted Scholars Act of
24 Kentucky.

1 **AN ACT** relating to child welfare and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) The cabinet shall require a staff member of a child-caring facility to submit to
6 background checks in accordance with 42 U.S.C. sec. 671(a)(20)(D) and the
7 implementing federal rules, including national and state fingerprint-supported
8 criminal background checks by the Department of Kentucky State Police and the
9 Federal Bureau of Investigation.

10 (2) The child-caring facility staff member shall provide the member's fingerprints to
11 the Department of Kentucky State Police for submission to the Federal Bureau of
12 Investigation after a state criminal background check is conducted.

13 (3) The results of the national and state criminal background checks shall be sent to
14 the cabinet.

15 (4) The cabinet may register a child-caring facility staff member in the rap back
16 system.

17 (5) The request for background checks shall be in a manner approved by the Justice
18 and Public Safety Cabinet, and the Cabinet for Health and Family Services may
19 charge a fee to be paid by a child-caring facility not to exceed the actual cost of
20 processing the request.

21 (6) The cabinet shall promulgate administrative regulations in accordance with KRS
22 Chapter 13A to implement this section.

23 ➔Section 2. KRS 199.011 is amended to read as follows:

24 As used in this chapter, unless the context otherwise requires:

25 (1) "Adoption worker" means an employee of the cabinet so designated by the secretary
26 for health and family services, a social worker employed by a county or city who
27 has been approved by the cabinet to handle, under its supervision, adoption

- 1 placement services to children, or a social worker employed by or under contract to
2 a child-placing adoption agency;
- 3 (2) "Adult adopted person" means any adopted person who is twenty-one (21) years of
4 age or older;
- 5 (3) "Cabinet" means the Cabinet for Health and Family Services;
- 6 (4) "Child" means any person who has not reached his eighteenth birthday;
- 7 (5) "Child-caring facility" means any institution or group home, including institutions
8 and group homes that are publicly operated, providing residential care on a twenty-
9 four (24) hour basis to children, not related by blood, adoption, or marriage to the
10 person maintaining the facility, other than an institution or group home certified by
11 an appropriate agency as operated primarily for educational or medical purposes, or
12 a residential program operated or contracted by the Department of Juvenile Justice
13 that maintains accreditation, or obtains accreditation within two (2) years of
14 opening from a nationally recognized accrediting organization;
- 15 (6) "Child-placing agency" means any agency licensed by the cabinet, which supervises
16 the placement of children in foster family homes or child-caring facilities, or which
17 places children for adoption;
- 18 (7) "Department" means the Department for Community Based Services;
- 19 (8) "Family rehabilitation home" means a child-caring facility for appropriate families
20 and comprising not more than twelve (12) children and two (2) staff persons;
- 21 (9) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
22 to a child, but who has an emotionally significant relationship with the child;
- 23 (10) "Foster family home" means a private home in which children are placed for foster
24 family care under supervision of the cabinet or of a licensed child-placing agency;
- 25 (11) "Group home" means a homelike facility, excluding Department of Juvenile Justice-
26 operated or -contracted facilities, for not more than eight (8) foster children, not
27 adjacent to or part of an institutional campus, operated by a sponsoring agency for

- 1 children who may participate in community activities and use community resources;
- 2 (12) "Institution" means a child-caring facility providing care or maintenance for nine (9)
3 or more children;
- 4 (13) "Placement services" means those social services customarily provided by a
5 licensed child-placing or a public agency, which are necessary for the arrangement
6 and placement of children in foster family homes, child-placing facilities, or
7 adoptive homes. Placement services are provided through a licensed child-placing
8 or a public agency for children who cannot be cared for by their biological parents
9 and who need and can benefit from new and permanent family ties established
10 through legal adoption. Licensed child-placing agencies and public agencies have a
11 responsibility to act in the best interests of children, biological parents, and adoptive
12 parents by providing social services to all the parties involved in an adoption;
- 13 (14) "Rap back system" means a system that enables an authorized entity to receive
14 ongoing status notifications of any criminal history from the Department of
15 Kentucky State Police or the Federal Bureau of Investigation reported on an
16 individual whose fingerprints are registered in the system, upon approval and
17 implementation of the system;
- 18 (15) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
19 sec. 675(10);
- 20 (16) "Secretary" means the secretary for health and family services; and
- 21 (17) "Voluntary and informed consent" means that at the time of the execution of the
22 consent, the consenting person was fully informed of the legal effect of the consent,
23 that the consenting person was not given or promised anything of value except those
24 expenses allowable under KRS 199.590(6), that the consenting person was not
25 coerced in any way to execute the consent, and that the consent was voluntarily and
26 knowingly given. If at the time of the execution of the consent the consenting
27 person was represented by independent legal counsel, there shall be a presumption

1 that the consent was voluntary and informed. The consent shall be in writing, signed
2 and sworn to by the consenting person, and include the following:

- 3 (a) Date, time, and place of the execution of the consent;
- 4 (b) Name of the child, if any, to be adopted, and the date and place of the child's
5 birth;
- 6 (c) Consenting person's relationship to the child;
- 7 (d) Identity of the proposed adoptive parents or a statement that the consenting
8 person does not desire to know the identification of the proposed adoptive
9 parents;
- 10 (e) 1. A statement that the consenting person understands that the consent will
11 be final and irrevocable under this paragraph unless withdrawn under
12 this paragraph.
- 13 2. If placement approval by the secretary is required, the voluntary and
14 informed consent shall become final and irrevocable seventy-two (72)
15 hours after~~[twenty (20) days after the later of the placement approval~~
16 ~~or]~~ the execution of the voluntary and informed consent. This consent
17 may be withdrawn only by written notification sent to the proposed
18 adoptive parent or the attorney for the proposed adoptive parent on or
19 before the expiration of the seventy-two (72) hours~~[twentieth day]~~ by
20 certified or registered mail and also by first-class mail.
- 21 3. If placement approval by the secretary is not required, the voluntary and
22 informed consent shall become final and irrevocable seventy-two (72)
23 hours~~[twenty (20) days]~~ after the execution of the voluntary and
24 informed consent. This consent may be withdrawn only by written
25 notification sent to the proposed adoptive parent or the attorney for the
26 proposed adoptive parent on or before the expiration of the seventy-two
27 (72) hours~~[twentieth day]~~ by certified or registered mail and also by

- 1 first-class mail;
- 2 (f) Disposition of the child if the adoption is not adjudged;
- 3 (g) A statement that the consenting person has received a completed and signed
4 copy of the consent at the time of the execution of the consent;
- 5 (h) Name and address of the person who prepared the consent, name and address
6 of the person who reviewed and explained the consent to the consenting
7 person, and a verified statement from the consenting person that the consent
8 has been reviewed with and fully explained to the consenting person; and
- 9 (i) Total amount of the consenting person's legal fees, if any, for any purpose
10 related to the execution of the consent and the source of payment of the legal
11 fees.

12 ➔ Section 3. KRS 199.480 is amended to read as follows:

- 13 (1) The following persons shall be made parties defendant in an action for leave to
14 adopt a child:
- 15 (a) The child to be adopted;
- 16 (b) The biological living parents of a child under eighteen (18), if the child is born
17 in lawful wedlock. If the child is born out of wedlock, its mother; and its
18 father, if one (1) of the following requirements is met:
- 19 1. He is known and voluntarily identified by the mother by affidavit;
- 20 2. He has registered with the cabinet pursuant to KRS 199.503 as a
21 putative father prior to the birth of the child, or if he did not have notice
22 prior to the birth of the child, within twenty-one (21)~~thirty (30)~~ days
23 after the birth of the child;
- 24 3. He has caused his name to be affixed to the birth certificate of the child;
- 25 4. He has commenced a judicial proceeding claiming parental right;
- 26 5. He has contributed financially to the support of the child, either by
27 paying the medical or hospital bills associated with the birth of the child

1 or financially contributed to the child's support; or
2 6. He has married the mother of the child or has lived openly or is living
3 openly with the child or the person designated on the birth certificate as
4 the biological mother of the child.

5 A putative father shall not be made a party defendant if none of the
6 requirements set forth above have been met, and a biological parent shall not
7 be made a party defendant if the parental rights of that parent have been
8 terminated under KRS Chapter 625, or under a comparable statute of another
9 jurisdiction;

10 (c) The child's guardian, if it has one.

11 (d) If the care, custody, and control of the child has been transferred to the
12 cabinet, or any other individual or individuals, institution, or agency, then the
13 cabinet, the other individual or individuals, institution, or agency shall be
14 named a party defendant, unless the individual or individuals, or the
15 institution or agency is also the petitioner.

16 (2) Each party defendant shall be brought before the court in the same manner as
17 provided in other civil cases except that if the child to be adopted is under fourteen
18 (14) years of age and the cabinet, individual, institution, or agency has custody of
19 the child, the service of process upon the child shall be had by serving a copy of the
20 summons in the action upon the cabinet, individual, institution or agency, any
21 provision of CR 4.04(3) to the contrary notwithstanding.

22 (3) If the child's biological living parents, if the child is born in lawful wedlock, or if
23 the child is born out of wedlock, its mother, and if paternity is established in legal
24 action or if an affidavit is filed stating that the affiant is father of the child, its
25 father, are parties defendant, no guardian ad litem need be appointed to represent
26 the child to be adopted.

27 ➔Section 4. KRS 199.500 is amended to read as follows:

- 1 (1) An adoption shall not be granted without the voluntary and informed consent, as
2 defined in KRS 199.011, of the living parent or parents of a child born in lawful
3 wedlock or the mother of the child born out of wedlock, or the father of the child
4 born out of wedlock if paternity is established in a legal action or if an affidavit is
5 filed stating that the affiant is the father of the child, except that the consent of the
6 living parent or parents shall not be required if:
- 7 (a) The parent or parents have been adjudged mentally disabled and the judgment
8 shall have been in effect for not less than one (1) year prior to the filing of the
9 petition for adoption;
- 10 (b) The parental rights of the parents have been terminated under KRS Chapter
11 625;
- 12 (c) The living parents are divorced and the parental rights of one (1) parent have
13 been terminated under KRS Chapter 625 and consent has been given by the
14 parent having custody and control of the child; or
- 15 (d) The biological parent has not established parental rights as required by KRS
16 625.065.
- 17 (2) A minor parent who is a party defendant may consent to an adoption but a guardian
18 ad litem for the parent shall be appointed.
- 19 (3) In the case of a child twelve (12) years of age or older, the consent of the child shall
20 be given in court. The court in its discretion may waive this requirement.
- 21 (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be
22 granted without the consent of the biological living parents of a child if it is pleaded
23 and proved as a part of the adoption proceedings that any of the provisions of KRS
24 625.090 exist with respect to the child.
- 25 (5) An adoption shall not be granted or a consent for adoption be held valid if the
26 consent for adoption is given prior to seventy-two (72) hours after the birth of the
27 child. A voluntary and informed consent may be taken at seventy-two (72) hours

1 after the birth of the child and shall become final and irrevocable seventy-two (72)
2 hours~~[twenty (20) days]~~ after it is signed.

3 ➔ Section 5. KRS 625.065 is amended to read as follows:

4 (1) The putative father of a child shall be made a party and brought before the circuit
5 court in the same manner as any other party to an involuntary termination action if
6 one (1) of the following conditions exists:

7 (a) He is known and voluntarily identified by the mother by affidavit;

8 (b) He has registered with the cabinet pursuant to KRS 199.503 as a putative
9 father prior to the birth of the child, or if he did not have notice prior to the
10 birth of the child, within twenty-one (21)~~[thirty (30)]~~ days after the birth of the
11 child;

12 (c) He has caused his name to be affixed to the birth certificate of the child;

13 (d) He has commenced a judicial proceeding claiming parental right;

14 (e) He has contributed financially to the support of the child, either by paying the
15 medical or hospital bills associated with the birth of the child or financially
16 contributing to the child's support; or

17 (f) He has married the mother of the child or has lived openly or is living openly
18 with the child or the person designated on the birth certificate as the biological
19 mother of the child.

20 (2) Any person to whom none of the above conditions apply shall be deemed to have no
21 parental rights to the child in question.

22 ➔ Section 6. KRS 199.505 is amended to read as follows:

23 (1) An attorney or child-placing agency that arranges a prospective adoption may at any
24 time request that the cabinet search the putative father registry established under
25 KRS 199.503 to determine whether a putative father is registered in relation to a
26 mother whose child is the subject of the adoption.

27 (2) An attorney or child-placing agency that arranges a prospective adoption may at any

1 time serve the putative father of a child or cause the putative father to be served
 2 with actual notice that the mother of the child is considering an adoptive placement
 3 for the child.

4 (3) *Beginning July 14, 2018,* whenever a petition for adoption is filed, the attorney or
 5 child-placing agency that arranges the adoption shall request that the cabinet search
 6 the putative father registry at least one (1) day after the expiration of the period
 7 specified by KRS 199.480(1)(b)2.

8 (4) No later than five (5) days after receiving a request under subsection (1) or (3) of
 9 this section, the cabinet shall submit an affidavit to the requesting party verifying
 10 whether a putative father is registered in relation to a mother whose child is the
 11 subject of the adoption.

12 (5) Whenever the cabinet finds that one (1) or more putative fathers are registered, the
 13 cabinet shall submit a copy of each registration form with its affidavit.

14 (6) A court shall not grant an adoption unless the cabinet's affidavit under this section is
 15 filed with the court.

16 *(7) An adoption involving a foreign-born child, an adoption initiated out-of-state, or*
 17 *a public agency adoption shall not be subject to the requirements of this section.*

18 ➔ SECTION 7. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO
 19 READ AS FOLLOWS:

20 *A child who is placed in foster care shall be considered a primary partner and member*
 21 *of a professional team. A foster child, as the most integral part of the professional*
 22 *team, shall have the following rights to:*

23 *(1) Adequate food, clothing, and shelter;*

24 *(2) Freedom from physical, sexual, or emotional injury or exploitation;*

25 *(3) Develop physically, mentally, and emotionally to his or her potential;*

26 *(4) A safe, secure, and stable family;*

27 *(5) Individual educational needs being met;*

- 1 (6) Remain in the same educational setting prior to removal, whenever possible;
- 2 (7) Placement in the least restrictive setting in close proximity to his or her home that
3 meets his or her needs and serves his or her best interests to the extent that such
4 placement is available;
- 5 (8) Information about the circumstances requiring his or her initial and continued
6 placement;
- 7 (9) Receive notice of, attend, and be consulted in the development of case plans
8 during periodic reviews;
- 9 (10) Receive notice of and participate in court hearings;
- 10 (11) Receive notice of and explanation for changes in placement or visitation
11 agreements;
- 12 (12) Visit the family in the family home, receive visits from family and friends, and
13 have telephone conversations with family members, when not contraindicated by
14 the case plan or court order;
- 15 (13) Participate in extracurricular, social, cultural, and enrichment activities,
16 including but not limited to sports, field trips, and overnights;
- 17 (14) Express opinions on issues concerning his or her care or treatment;
- 18 (15) Three (3) additional rights if he or she is age fourteen (14) years or older. These
19 additional three (3) rights are the right to:
- 20 (a) Designate two (2) additional individuals to participate in case planning
21 conferences or periodic reviews, who are not the foster parent or his or her
22 worker, and who may advocate on his or her behalf. The cabinet, child-
23 caring-facility, or child-placing agency may reject an individual with
24 reasonable belief that the individual will not act appropriately on the child's
25 behalf;
- 26 (b) Receive a written description of the programs and services that will help
27 prepare him or her for the transition from foster care to successful

- 1 adulthood; and
- 2 (c) Receive a consumer report yearly until discharged from care and to receive
- 3 assistance in interpreting and resolving any inaccuracies in the report,
- 4 pursuant to 42 U.S.C. sec. 675(5)(I); and
- 5 (16) Receive, free of charge when he or she is eighteen (18) years or older and
- 6 preparing to exit foster care by reason of attaining the age of eighteen (18) years
- 7 old, the following:
- 8 (a) An official birth certificate;
- 9 (b) A Social Security card;
- 10 (c) Health insurance information;
- 11 (d) A copy of the child's medical records; and
- 12 (e) A state-issued identification.

13 ➔Section 8. KRS 620.020 is amended to read as follows:

14 The definitions in KRS Chapter 600 shall apply to this chapter. In addition, as used in this

15 chapter, unless the context requires otherwise:

- 16 (1) "Case permanency plan" means a document identifying decisions made by the
- 17 cabinet, for both the biological family and the child, concerning action which needs
- 18 to be taken to assure that the child in foster care expeditiously obtains a permanent
- 19 home;
- 20 (2) "Case progress report" means a written record of goals that have been achieved in
- 21 the case of a child;
- 22 (3) "Case record" means a cabinet file of specific documents and a running record of
- 23 activities pertaining to the child;
- 24 (4) "Children's advocacy center" means an agency that advocates on behalf of children
- 25 alleged to have been abused; that assists in the coordination of the investigation of
- 26 child abuse by providing a location for forensic interviews and medical
- 27 examinations, and by promoting the coordination of services for children alleged to

- 1 have been abused; and that provides, directly or by formalized agreements, services
2 that include, but are not limited to, forensic interviews, medical examinations,
3 mental health and related support services, court advocacy, consultation, training,
4 and staffing of multidisciplinary teams;
- 5 (5) "Foster care" means the provision of temporary twenty-four (24) hour care for a
6 child for a planned period of time when the child is:
- 7 (a) Removed from his parents or person exercising custodial control or
8 supervision and subsequently placed in the custody of the cabinet; and
- 9 (b) Placed in a foster home or private child-caring facility or child-placing agency
10 but remains under the supervision of the cabinet;
- 11 (6) "Local citizen foster care review board" means a citizen board which provides
12 periodic permanency reviews of children placed in the custody of the cabinet by a
13 court order of temporary custody or commitment under this chapter;
- 14 (7) "Multidisciplinary teams" means local teams operating under protocols governing
15 roles, responsibilities, and procedures developed by the Kentucky Multidisciplinary
16 Commission on Child Sexual Abuse pursuant to KRS 431.600;
- 17 (8) "Pediatric abusive head trauma" means the various injuries or conditions that may
18 result following the vigorous shaking, slamming, or impacting the head of an infant
19 or young child. These injuries or conditions, also known as pediatric acquired
20 abusive head trauma, have in the past been called "Shaken Baby Syndrome" or
21 "Shaken Infant Syndrome." Pediatric abusive head trauma injuries or conditions
22 have included but are not limited to the following:
- 23 (a) Irreversible brain damage;
- 24 (b) Blindness;
- 25 (c) Retinal hemorrhage;
- 26 (d) Eye damage;
- 27 (e) Cerebral palsy;

- 1 (f) Hearing loss;
- 2 (g) Spinal cord injury;
- 3 (h) Paralysis;
- 4 (i) Seizures;
- 5 (j) Learning disability;
- 6 (k) Death;
- 7 (l) Central nervous system injury as evidenced by central nervous system
- 8 hemorrhaging;
- 9 (m) Closed head injury;
- 10 (n) Rib fracture; and
- 11 (o) Subdural hematoma;
- 12 (9) "Permanence" means a relationship between a child and an adult which is intended
- 13 to last a lifetime, providing commitment and continuity in the child's relationships
- 14 and a sense of belonging;
- 15 (10) "Position of authority" has the same meaning as in KRS 532.045;
- 16 (11) "Position of special trust" has the same meaning as in KRS 532.045;
- 17 (12) "Preventive services" means those services which are designed to help maintain and
- 18 strengthen the family unit by preventing or eliminating the need for removal of
- 19 children from the family;
- 20 (13)~~(11)~~ "Reasonable efforts" means the exercise of ordinary diligence and care by the
- 21 department to utilize all preventive and reunification services available to the
- 22 community in accordance with the state plan for Public Law 96-272 which are
- 23 necessary to enable the child to safely live at home;
- 24 (14)~~(12)~~ "Reunification services" means remedial and preventive services which are
- 25 designed to strengthen the family unit, to secure reunification of the family and
- 26 child where appropriate, as quickly as practicable, and to prevent the future removal
- 27 of the child from the family; and

1 ~~(15)~~~~(13)~~ "State citizen foster care review board" means a board created by KRS
2 620.310.

3 ⇒Section 9. KRS 620.030 is amended to read as follows:

- 4 (1) Any person who knows or has reasonable cause to believe that a child is dependent,
5 neglected, or abused shall immediately cause an oral or written report to be made to
6 a local law enforcement agency or to the Department of Kentucky State Police,~~;~~
7 the cabinet or its designated representative,~~;~~ the Commonwealth's attorney,~~;~~ or the
8 county attorney~~;~~ by telephone or otherwise. Any supervisor who receives from an
9 employee a report of suspected dependency, neglect, or abuse shall promptly make a
10 report to the proper authorities for investigation. If the cabinet receives a report of
11 abuse or neglect allegedly committed by a person other than a parent, guardian,
12 *fictive kin, person in a position of authority, person in a position of special trust,*
13 or person exercising custodial control or supervision, the cabinet shall refer the
14 matter to the Commonwealth's attorney or the county attorney and the local law
15 enforcement agency or the Department of Kentucky State Police. Nothing in this
16 section shall relieve individuals of their obligations to report.
- 17 (2) Any person, including but not limited to a physician, osteopathic physician, nurse,
18 teacher, school personnel, social worker, coroner, medical examiner, child-caring
19 personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical
20 technician, paramedic, health professional, mental health professional, peace
21 officer, or any organization or agency for any of the above, who knows or has
22 reasonable cause to believe that a child is dependent, neglected, or abused,
23 regardless of whether the person believed to have caused the dependency, neglect,
24 or abuse is a parent, guardian, *fictive kin, person in a position of authority, person*
25 *in a position of special trust,* person exercising custodial control or supervision, or
26 another person, or who has attended such child as a part of his or her professional
27 duties shall, if requested, in addition to the report required in subsection (1) or (3) of

1 this section, file with the local law enforcement agency or the Department of
2 Kentucky State Police, the cabinet or its designated representative,~~[or]~~ the
3 Commonwealth's attorney, or county attorney~~],~~ ~~the cabinet or its designated~~
4 ~~representative]~~ within forty-eight (48) hours of the original report a written report
5 containing:

- 6 (a) The names and addresses of the child and his or her parents or other persons
7 exercising custodial control or supervision;
- 8 (b) The child's age;
- 9 (c) The nature and extent of the child's alleged dependency, neglect, or abuse,
10 including any previous charges of dependency, neglect, or abuse, to this child
11 or his or her siblings;
- 12 (d) The name and address of the person allegedly responsible for the abuse or
13 neglect; and
- 14 (e) Any other information that the person making the report believes may be
15 helpful in the furtherance of the purpose of this section.
- 16 (3) Any person who knows or has reasonable cause to believe that a child is a victim of
17 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
18 written report to be made to a local law enforcement agency or the Department of
19 Kentucky State Police; or the cabinet or its designated representative; or the
20 Commonwealth's attorney or the county attorney; by telephone or otherwise. This
21 subsection shall apply regardless of whether the person believed to have caused the
22 human trafficking of the child is a parent, guardian, fictive kin, person in a position
23 of authority, person in a position of special trust, or person exercising custodial
24 control or supervision.
- 25 (4) Neither the husband-wife nor any professional-client/patient privilege, except the
26 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report
27 under this section or for excluding evidence regarding a dependent, neglected, or

1 abused child or the cause thereof, in any judicial proceedings resulting from a report
2 pursuant to this section. This subsection shall also apply in any criminal proceeding
3 in District or Circuit Court regarding a dependent, neglected, or abused child.

4 (5) The cabinet upon request shall receive from any agency of the state or any other
5 agency, institution, or facility providing services to the child or his or her family,
6 such cooperation, assistance, and information as will enable the cabinet to fulfill its
7 responsibilities under KRS 620.030, 620.040, and 620.050.

8 (6) *Nothing in this section shall limit the cabinet's investigatory authority under KRS*
9 *620.050 or any other obligation imposed by law.*

10 (7) Any person who intentionally violates the provisions of this section shall be guilty
11 of a:

- 12 (a) Class B misdemeanor for the first offense;
13 (b) Class A misdemeanor for the second offense; and
14 (c) Class D felony for each subsequent offense.

15 →Section 10. KRS 620.040 is amended to read as follows:

16 (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, *fictive*
17 *kin, person in a position of authority, person in a position of special trust,* or
18 person exercising custodial control or supervision, pursuant to KRS
19 620.030(1) or (2), or a report alleging a child is a victim of human trafficking
20 pursuant to KRS 620.030(3), the recipient of the report shall immediately
21 notify the cabinet or its designated representative, the local law enforcement
22 agency or the Department of Kentucky State Police, and the Commonwealth's
23 or county attorney of the receipt of the report unless they are the reporting
24 source.

25 (b) Based upon the allegation in the report, the cabinet shall immediately make an
26 initial determination as to the risk of harm and immediate safety of the child.

27 Based upon the level of risk determined, the cabinet shall investigate the

- 1 allegation or accept the report for an assessment of family needs and, if
2 appropriate, may provide or make referral to any community-based services
3 necessary to reduce risk to the child and to provide family support. A report of
4 sexual abuse or human trafficking of a child shall be considered high risk and
5 shall not be referred to any other community agency.
- 6 (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and
7 holidays, make a written report to the Commonwealth's or county attorney and
8 the local enforcement agency or the Department of Kentucky State Police
9 concerning the action that has been taken on the investigation.
- 10 (d) If the report alleges abuse or neglect by someone other than a parent, guardian,
11 fictive kin, person in a position of authority, person in a position of special
12 trust, or person exercising custodial control or supervision, or the human
13 trafficking of a child, the cabinet shall immediately notify the
14 Commonwealth's or county attorney and the local law enforcement agency or
15 the Department of Kentucky State Police.
- 16 (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and
17 (2), the recipient shall immediately notify the cabinet or its designated
18 representative.
- 19 (b) Based upon the allegation in the report, the cabinet shall immediately make an
20 initial determination as to the risk of harm and immediate safety of the child.
21 Based upon the level of risk, the cabinet shall investigate the allegation or
22 accept the report for an assessment of family needs and, if appropriate, may
23 provide or make referral to any community-based services necessary to reduce
24 risk to the child and to provide family support. A report of sexual abuse or
25 human trafficking of a child shall be considered high risk and shall not be
26 referred to any other community agency.
- 27 (c) The cabinet need not notify the local law enforcement agency or the

- 1 Department of Kentucky State Police or county attorney or Commonwealth's
2 attorney of reports made under this subsection unless the report involves the
3 human trafficking of a child, in which case the notification shall be required.
- 4 (3) If the cabinet or its designated representative receives a report of abuse by a person
5 other than a parent, guardian, fictive kin, person in a position of authority, person
6 in a position of special trust, or other person exercising custodial control or
7 supervision of a child, it shall immediately notify the local law enforcement agency
8 or the Department of Kentucky State Police and the Commonwealth's or county
9 attorney of the receipt of the report and its contents, and they shall investigate the
10 matter. The cabinet or its designated representative shall participate in an
11 investigation of noncustodial physical abuse or neglect at the request of the local
12 law enforcement agency or the Department of Kentucky State Police. The cabinet
13 shall participate in all investigations of reported or suspected sexual abuse or human
14 trafficking of a child.
- 15 (4) School personnel or other persons listed in KRS 620.030(2) do not have the
16 authority to conduct internal investigations in lieu of the official investigations
17 outlined in this section.
- 18 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its
19 designated representative cannot gain admission to the location of the child, a
20 search warrant shall be requested from, and may be issued by, the judge to the
21 appropriate law enforcement official upon probable cause that the child is
22 dependent, neglected, or abused. If, pursuant to a search under a warrant, a
23 child is discovered and appears to be in imminent danger, the child may be
24 removed by the law enforcement officer.
- 25 (b) If a child who is in a hospital or under the immediate care of a physician
26 appears to be in imminent danger if he or she is returned to the persons having
27 custody of him or her, the physician or hospital administrator may hold the

- 1 child without court order, provided that a request is made to the court for an
2 emergency custody order at the earliest practicable time, not to exceed
3 seventy-two (72) hours.
- 4 (c) Any appropriate law enforcement officer may take a child into protective
5 custody and may hold that child in protective custody without the consent of
6 the parent or other person exercising custodial control or supervision if there
7 exist reasonable grounds for the officer to believe that the child is in danger of
8 imminent death or serious physical injury, is being sexually abused, or is a
9 victim of human trafficking and that the parents or other person exercising
10 custodial control or supervision are unable or unwilling to protect the child.
11 The officer or the person to whom the officer entrusts the child shall, within
12 twelve (12) hours of taking the child into protective custody, request the court
13 to issue an emergency custody order.
- 14 (d) When a law enforcement officer, hospital administrator, or physician takes a
15 child into custody without the consent of the parent or other person exercising
16 custodial control or supervision, he or she shall provide written notice to the
17 parent or other person stating the reasons for removal of the child. Failure of
18 the parent or other person to receive notice shall not, by itself, be cause for
19 civil or criminal liability.
- 20 (6) To the extent practicable and when in the best interest of a child alleged to have
21 been abused, interviews with the child shall be conducted at a children's advocacy
22 center.
- 23 (7) (a) One (1) or more multidisciplinary teams may be established in every county or
24 group of contiguous counties.
- 25 (b) Membership of the multidisciplinary team shall include but shall not be
26 limited to social service workers employed by the Cabinet for Health and
27 Family Services and law enforcement officers. Additional team members may

1 include Commonwealth's and county attorneys, children's advocacy center
2 staff, mental health professionals, medical professionals, victim advocates
3 including advocates for victims of human trafficking, educators, and other
4 related professionals, as deemed appropriate.

5 (c) The multidisciplinary team shall review child sexual abuse cases and child
6 human trafficking cases involving commercial sexual activity referred by
7 participating professionals, including those in which the alleged perpetrator
8 does not have custodial control or supervision of the child or is not
9 responsible for the child's welfare. The purpose of the multidisciplinary team
10 shall be to review investigations, assess service delivery, and to facilitate
11 efficient and appropriate disposition of cases through the criminal justice
12 system.

13 (d) The team shall hold regularly scheduled meetings if new reports of sexual
14 abuse or child human trafficking cases involving commercial sexual activity
15 are received or if active cases exist. At each meeting, each active case shall be
16 presented and the agencies' responses assessed.

17 (e) The multidisciplinary team shall provide an annual report to the public of
18 nonidentifying case information to allow assessment of the processing and
19 disposition of child sexual abuse cases and child human trafficking cases
20 involving commercial sexual activity.

21 (f) Multidisciplinary team members and anyone invited by the multidisciplinary
22 team to participate in a meeting shall not divulge case information, including
23 information regarding the identity of the victim or source of the report. Team
24 members and others attending meetings shall sign a confidentiality statement
25 that is consistent with statutory prohibitions on disclosure of this information.

26 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,
27 develop a local protocol consistent with the model protocol issued by the

1 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local
2 team shall submit the protocol to the commission for review and approval.

3 (h) The multidisciplinary team review of a case may include information from
4 reports generated by agencies, organizations, or individuals that are
5 responsible for investigation, prosecution, or treatment in the case, KRS
6 610.320 to KRS 610.340 notwithstanding.

7 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local
8 children's advocacy center.

9 **(8) Nothing in this section shall limit the cabinet's investigatory authority under KRS**
10 **620.050 or any other obligation imposed by law.**

11 → Section 11. KRS 620.180 is amended to read as follows:

12 (1) The cabinet may promulgate administrative regulations to implement the provisions
13 of this chapter. The cabinet may also promulgate administrative regulations
14 pursuant to the requirements of Public Law 96-272 as to the maximum number of
15 children who at any time during a fiscal year, will remain in foster care after having
16 been in such care for a period in excess of twenty-four (24) months, together with
17 the steps to be taken to achieve such goal.

18 (2) The cabinet shall promulgate administrative regulations to provide the following:

19 (a) The method used to periodically review the status of children placed in foster
20 family homes which shall include, but not be limited to, the following:

21 1. Within ten (10) calendar days of the temporary removal hearing
22 provided for in this chapter, a case conference shall be held on all
23 children placed with the cabinet for the purpose of establishing a
24 specific treatment plan which may include preventive and reunification
25 services for the child and his parent or other person exercising custodial
26 control or supervision. Additional case conferences and reviews shall be
27 held as appropriate, but shall be held at least every six (6) months. The

- 1 parent or other person exercising custodial control or supervision and his
2 counsel, if any, shall have the right to be present at and participate in
3 such conferences. The child; the child's attorney, if any; the parent or
4 other person exercising custodial control or supervision and his attorney
5 of record, if any; and the county attorney shall be notified of, and may be
6 present at and participate in such conferences;
- 7 2. On-going case work and supportive services shall be provided as
8 indicated to best meet the needs of the child as established by the review
9 and planning process; and
- 10 3. There may be procedures for providing for appropriate visitation
11 between the parents and the child based on the needs of the child;
- 12 (b) The procedures for reporting to a committing court the status and plans for
13 children committed to the cabinet as dependent, neglected or abused and
14 placed in foster family homes; ~~and~~
- 15 (c) By January 1, 2019, the establishment and implementation of the processes,
16 procedures, and requirements to ensure that children committed to the cabinet
17 as dependent, neglected, or abused and placed in foster family homes are
18 timely reunified with their biological family or identified for and placed in a
19 new permanent home. These processes, procedures, and requirements shall
20 include but not be limited to the following:
- 21 1. A case review and recommendation submitted to the committing court
22 related to whether the best interest of the child is reunification or
23 termination of parental rights after the child has been committed to the
24 cabinet a total of six (6) cumulative months;
- 25 2. An additional case review and recommendation submitted to the
26 committing court every three (3) cumulative months after the initial six
27 (6) months if a child is still in the custody of the cabinet;

1 3. A petition to the court of appropriate jurisdiction seeking the termination
2 of parental rights and authority to place the child for adoption in
3 accordance with this chapter and KRS Chapter 625 no later than after a
4 child has been committed to the cabinet for a total of fifteen (15)
5 cumulative months out of forty-eight (48) months; and

6 4. A plan to ensure, no longer than thirty (30) working days after a court
7 enters a judgment of termination of parental rights to a child that is
8 committed to the cabinet, that the cabinet shall complete and submit to
9 the court all necessary paperwork to facilitate the child's permanency
10 plan, including but not limited to the presentation summary and
11 identification of an adoptive home if determined; and

12 (d) By October 1, 2019, the establishment and implementation of the processes,
13 procedures, and requirements to ensure that children committed to the
14 cabinet as dependent, neglected, or abused and placed in qualified
15 residential treatment facilities are subject to case reviews within sixty (60)
16 days of the start of each placement in accordance with 42 U.S.C. sec.
17 675a(c)(2).

18 ➔ Section 12. Whereas the background checks authorized herein are vital for child
19 safety and to ensure ongoing federal funding compliance, an emergency is declared to
20 exist, and Section 1 of this Act takes effect upon its passage and approval by the
21 Governor or upon its otherwise becoming law.

