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KENTUCKY CABINET FOR  
HEALTH AND FAMILY SERVICES

# Implementation of Senate Bill 8

Child Welfare Oversight and Advisory Committee  
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# Senate Bill 8

## (Regular Session 2022)

- Comprehensive child welfare legislation sponsored by Co-Chair Adams
- Brought together many partners working across the child welfare continuum
- Promoted child welfare prevention
- Increased services for children, youth, and families



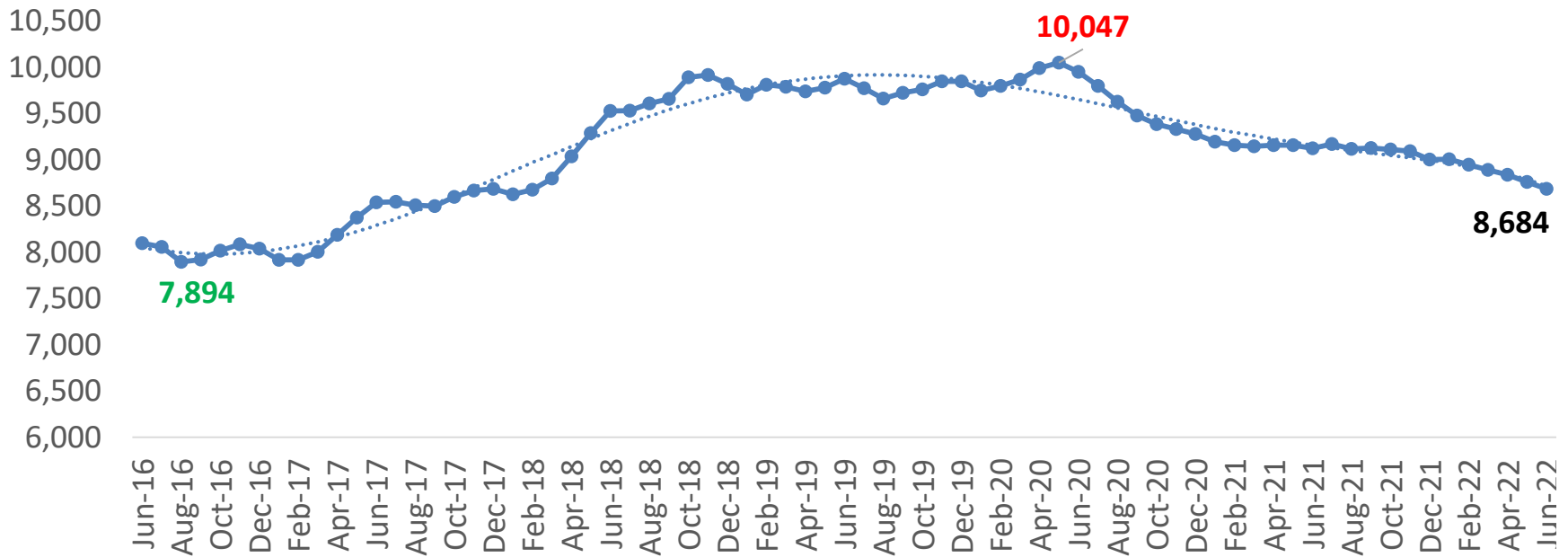
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# Fictive Kin

- Amended the “fictive kin” definition
- Built upon the current definition to enable additional individuals to be considered fictive kin
- More options for placing children with people they know
- May result in a decrease in the number of children entering the state’s custody and an increase in children being placed with siblings and reunifying with birth parents
- Included that the relationship needs to have existed prior to the placement of the child

# Statewide: Children in the Custody of or Committed to the Cabinet

June 2016 – June 2022



# Putative Father Registry

- SB 8 included measures to assist the department in fulfilling putative father registry requests
- The putative father registry (PFR) is administered by the DCBS Adoption Services Branch
- The PFR was established by House Bill 1 (RS 2018), codified in KRS 199.503 and KRS 199.505
- The purpose of the PFR is to find a father whose name may not have been disclosed by the mother of a child
- If a petition for adoption of such child is filed, the PFR may be searched so that notice may be provided to the putative father

# Who is a Putative Father?

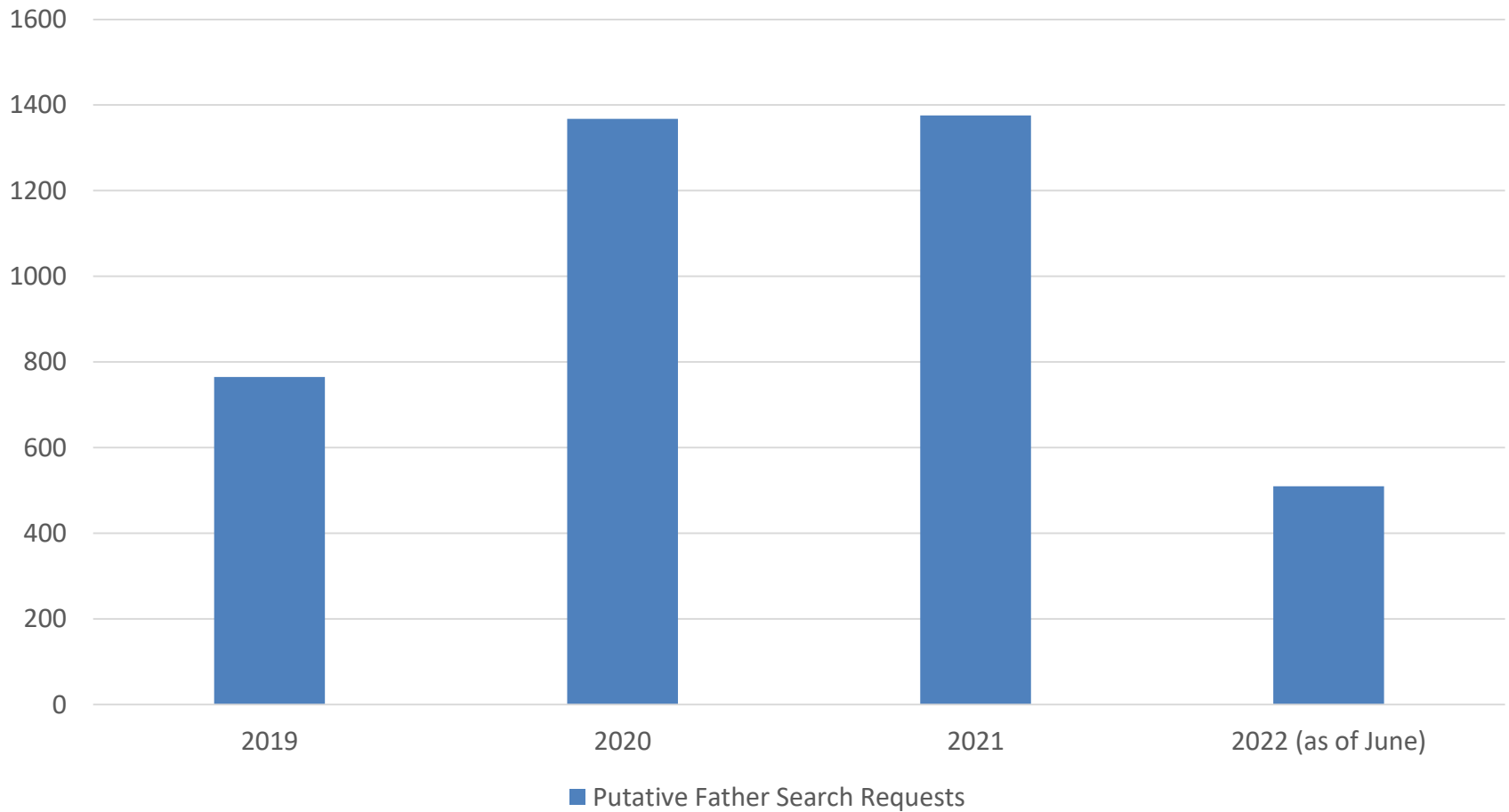
A putative father:

- Is not married to the child's mother on or before the date that the child is born;
  - Has not established paternity of the child in a court or agency proceeding in this or another state before the filing of a petition for adoption of the child; or
  - Has not completed an acknowledgment of paternity affidavit before the filing of a petition for adoption of the child.
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- ❖ To date, 43 putative fathers have registered on the PFR.
  - ❖ 45 registrations have been denied as they were received outside of established timeframes.
  - ❖ A putative father has up until 21 days after a child's birth to submit a registration request.

# Search Requirements/Requests

- The PFR must be searched prior to the finalization of an adoption
- The following exceptions apply:
  - An adoption involving a foreign-born child;
  - An adoption initiated out-of-state; or
  - A public agency adoption

# Putative Father Search Requests





# Poverty vs. Neglect

**Poverty  
is not  
Neglect.**

Kentucky is ranked 5th in states with the highest poverty rate in America. Kentucky ranks 17.3% of population living below the poverty line.

*([DePietro, 2021](#))*

According to the Census Bureau, the 2021 poverty threshold for a family of four (1 adult and 3 minor children) is an annual income of \$27,575 (United States Census Bureau, 2022). Meanwhile, the average childcare cost for 1 child in Kentucky is \$6,411 annually (Economic Policy Institute, 2020).

# Differentiating Poverty and Neglect

- SB 8 amended the definition of “abused or neglected child” to specify that a parent or caregiver’s inability to provide for their child due to lack of finances or financial assistance is not neglect.
- To be poverty stricken is more complex than having an isolated financial crisis or low income. Poverty by definition is a pattern of not being able to provide sustenance and chronic lack of resources.
- Neglect refers to the failure of a parent to provide for the development of the child – where the parent is in a position to do so – in one or more of the following areas: health, education, emotional development, nutrition, shelter, and safe living conditions. Neglect occurs in cases where adequate care is not provided although resources are available to the family or caregiver. (World Health Organization, n.d.)

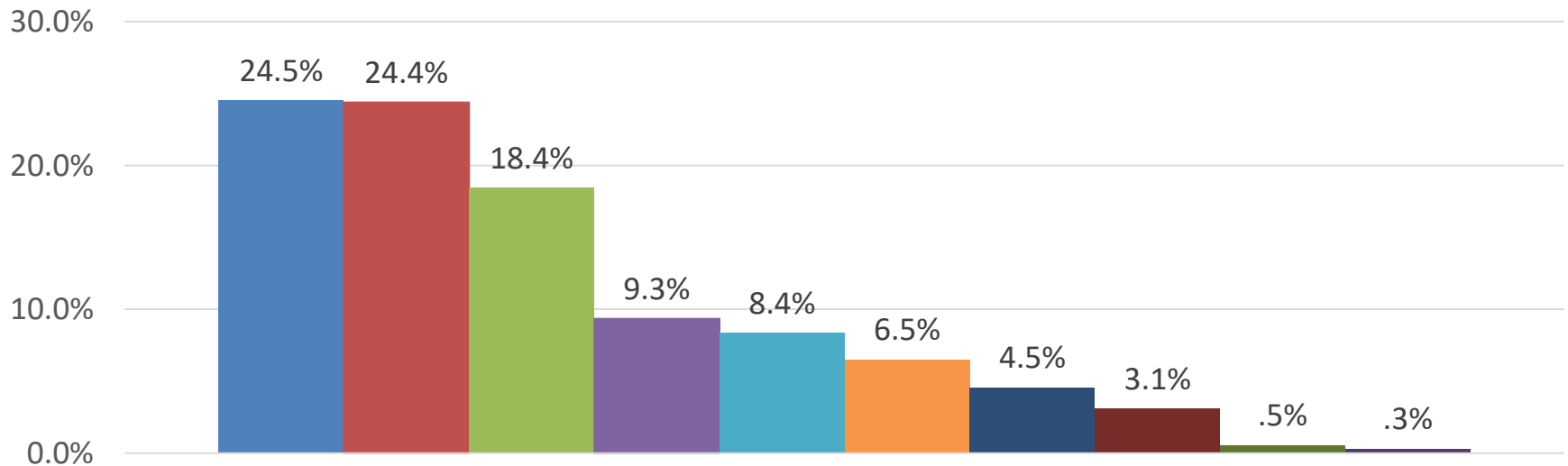


# Poverty VS. Neglect

# Type of Maltreatment

Child Protective Services Reports with a Substantiated or Services Needed Finding and an OOHC Case Disposition  
SFY 2016 – SFY 2022\*

- risk of harm neglect
- basic neglect
- physical - assault/injury, physical abuse, threat of physical abuse
- environment, environmental neglect
- abandonment/supervision
- sexual abuse, threat of sexual abuse
- risk of harm-substance affected infant, substance affected infant neglect
- medical neglect
- emotional injury, threat of emotional injury
- exploitation, exploitation neglect

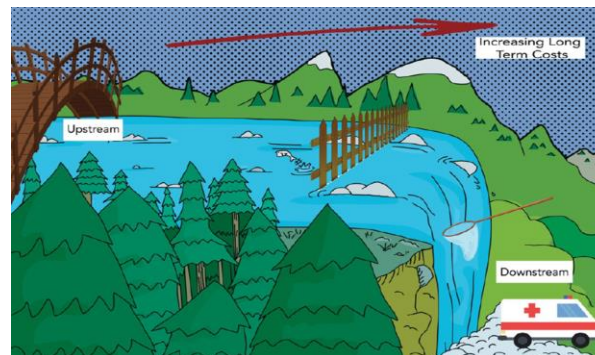


\*SFY 2022 is incomplete references July through April

Statewide

# Expanding Family Preservation Services

- SB 8 contained an amendment that allows for family preservation services to be provided for children who are at moderate risk of being removed from their home (rather than only imminent risk)
- Allows the cabinet to provide more services to families upstream, before a child experiences trauma or has to be removed from their home for their safety
- This amendment is consistent with the Family First Prevention Services Act (FFPSA), of which Kentucky was a national leader in implementing in 2019



# Impact of Family First Prevention Services

- Programs utilizing Family First evidence-based practices:
  - Family Preservation Programs (FPP)
  - Kentucky Strengthening Ties and Empowering Parents (KSTEP)
  - Sobriety Treatment and Recovery Teams (START)
- Statewide numbers for all FFPSA services in SFY 2021:
  - Total families served: 3,357
  - Total children served: 6,484 (6,040 at risk of removal)
  - Children remaining in the home at closure: 5,584
  - Percentage of children remaining in the home at closure 92%

# Positive Changes for Young Adults

- Senate Bill 8 responded to the call for action from current and former foster youth
- The Voices of the Commonwealth testified in support of the bill and continues to let youth across the state know about the changes
- The bill provided former foster youth the ability to re-enter the custody of the state in order to receive more supports through their transition to adulthood
- The bill expanded the Foster Child Bill of Rights, granting youth more rights related to:
  - Vital documentation;
  - Requesting placement settings;
  - Participating in a sibling or half-sibling's court hearing; and
  - Raising their own child

# Extended Commitment Options

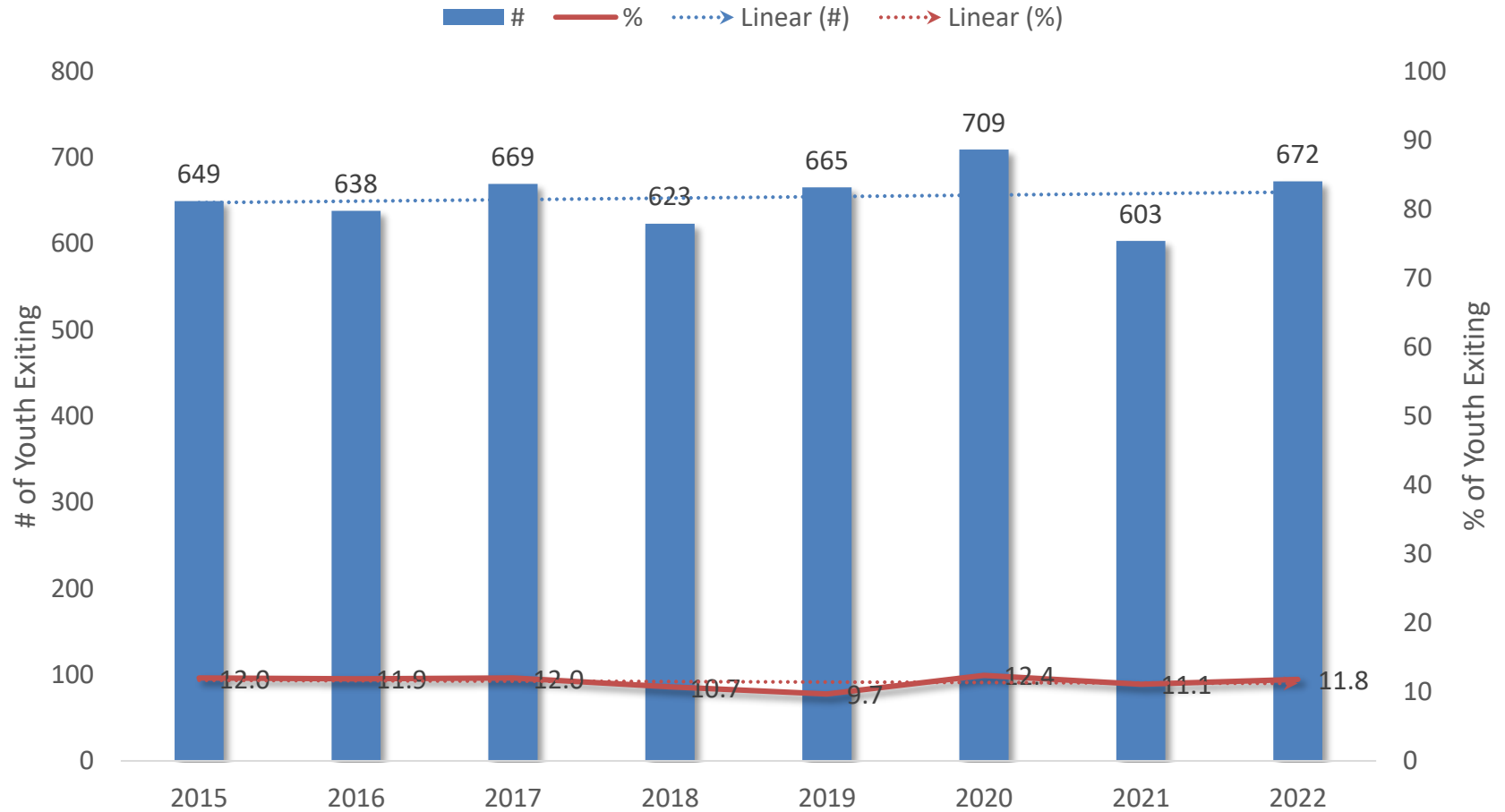
- DCBS immediately updated policies to allow youth to request to return to care up to two times prior to age 20.
- There was previously confusion as to whether the request had to be made or finalized prior to age 19, now only the request has to be made prior to turning 20.
- DCBS updated the Kentucky RISE (Resources for Independence, Success, & Empowerment) website to reflect the changes to allow youth to request to return to state custody prior to age 20.
- <https://prd.webapps.chfs.ky.gov/kyrise/>





# Youth Exiting to Independence

## SFY2015 – SFY2022



# Foster Child Bill of Rights

- DCBS immediately updated policies consistent with the expanded rights for foster children and amended administrative regulations as needed.
- The Voices of the Commonwealth have been sharing SB 8 information at Kentucky RISE events, regional foster youth events, and the statewide Youth Empowerment Conference
- This information has also been updated on the Kentucky Rise website.
- DCBS is inspired by the advocacy of the Voices of the Commonwealth and their willingness to share their lived experiences.

# Questions?

