

LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE

Minutes

June 12, 2025

Call to Order and Roll Call

The 1st meeting of the Legislative Oversight and Investigations Committee was held on Thursday, June 12, 2025, at 1:00 PM in Room 131 of the Capitol Annex. Senator Greg Elkins, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Greg Elkins, Co-Chair; Representative Sharp, Co-Chair; Senator Jason Howell, Vice-Chair; Senator Matt Nunn; Representatives Lindsey Burke, Matt Lockett, and Tom Smith.

Guests: Bruce Roberts, executive director, Kentucky Fire Commission; Mark Rudder, director of training, Kentucky Fire Commission; Brenda Goddard, director of finance, Kentucky Fire Commission; John Wood, legal counsel, Kentucky Fire Commission; Judge Kent Varney, Pike County Family Court; Lesa Dennis, commissioner, Department for Community Based Services; Wesley Duke, general counsel, Cabinet for Health and Family Services; Whitney P. Allen, commissioner, Kentucky Department of Veterans Affairs; Mark Bowman, executive director, Office of Kentucky Veterans Centers; Martha Workman, deputy executive director, Office of Kentucky Veterans Centers; LaDonna Scott, administrator, Western Kentucky Veterans Center; Joni Gosser, administrator, Thomson-Hood Veterans Center; Jamie Mann, nurse consultant, Office of Kentucky Veterans Centers; Representative Steve Bratcher, District 25; and Representative T.J. Roberts, District 66.

LRC Staff: Committee Staff Administrator William Spears; Committee Analysts Jacob Blevins, Austin Fraley, Christopher T. Hall, Taylor Johnston, Jonathan Rickett, Austin Sprinkles, Shane Stevens, Joel S. Thomas, and Holly Tracy; Chris Sierra, Graduate Fellow; and Maegan Mohr, Research Assistant.

Not having a quorum, approval of the minutes was tabled until the July 10, 2025 meeting.

Staff Report on Fire Commission Minimum Training Standards and Administrative Spending

Committee analysts Chris Hall, Holly Tracy, and Austin Sprinkles presented the staff report “Fire Commission Minimum Training Standards and Administrative Spending.” The study led to findings and recommendations related to administrative regulations that outline minimum training standards and clarification of administrative costs. Staff’s full presentation is available on the Legislative Oversight and Investigations Committee webpage.

In response to a question from Representative Lockett regarding interest on investment income and investment of funds, Mr. Hall responded that the Fire Commission would need to answer that question.

In response to a question from Representative Smith regarding sources of funding for volunteer fire departments in rural parts of Kentucky and recruitment and retention in local departments, Mr. Hall responded that local departments were outside the scope of the study.

In response to a question by Co-Chair Sharp regarding whether a firefighter candidate needs to obtain training hours to take the certification test if the department chief approves, Mr. Hall responded that national guidelines do not require that a candidate train in order to test if the department chief approves the candidate.

In response to a question from Vice-Chair Howell regarding whether the legislature should be concerned about the lack of compliance with the 5 percent administrative spending cap by the Fire Commission, Ms. Tracy responded that commission spending as a whole is clear. The issue is the Fire Commission uses the state accounting program while the Kentucky Community and Technical College System (KCTCS), which administratively houses the Kentucky Fire Commission, uses a different software, which makes it difficult to pull out specific line items. The statutory language says there are two administrative spending caps at 5 percent. For the first allotment, the commission is in compliance and is able to show compliance, but for the second, the issues with the different accounting software make it difficult to prove compliance.

Co-Chair Elkins requested clarification regarding what part of the percentage cap was found to be unclear by the analysts and Mr. Hall answered that the first 5 percent cap is accounted for but the 5 percent nested within that initial allotment is unable to be quantified with the current systems.

In response to a question by Co-Chair Sharp, Mr. Sprinkles responded that there is a statute that requires the commission to track spending with KCTCS but it does not require the commission to report on compliance.

Response from the Kentucky Fire Commission

Bruce Roberts, executive director; Mark Rudder, director of training; Brenda Goddard, director of finance; and John Wood, legal counsel introduced themselves. Mr. Roberts explained they were available to answer any questions the legislators may have and the reasoning behind the reduction in training hours for volunteer and paid firefighters.

In response to a question from Co-Chair Elkins regarding whether the Commission has made efforts to track the administrative costs from the second 5 percent allotment with KCTCS, Ms. Goddard explained that she did not realize there was a second statute. In her 20 years with the commission, they have only tracked the 5 percent limit on overall spending. There are multiple programs that the allotment covers and it is difficult to isolate administrative costs associated with the second 5 percent limit. This limit covers 12 of their 18 programs and employees are not specifically designated to these programs. Ms. Goddard asked to work with the General Assembly to reword and clarify the statute.

In response to a question by Representative Smith regarding money carried over each year and how they determine where to invest that money, Ms. Goddard explained that the carry forward funds are deposited in a state treasury account and the commission has no say in how the money is invested. In response to a question by Representative Smith regarding why the investment income is only 1 percent instead of the market rate of 4 to 5 percent and if the money is being held in a regular bank account, Ms. Goddard explained that the Commission has no control or knowledge in how the money is invested.

Judge Testimony on Child Removal

Judge Kent Varney, Pike County Family Court, introduced himself. He provided testimony on issues that the judiciary is seeing from the new standards of procedure enacted by the Cabinet for Health and Family Services. He stated that family court judges feel there is a disconnect between Kentucky statutes and the policies and procedures of the cabinet, especially with central intake.

In response to a question by Representative Lockett regarding a potential disconnect between the General Assembly and the Department for Community Based Services, Judge Varney responded that he believes the new standards of procedures do not meet statute. When they were enacted two years ago, he met with a former social worker who

told him that you cannot save every child. He believes the goal should be to try to save every child.

In response to a question by Senator Nunn regarding a lack of communication between criminal courts and family courts, Judge Varney stated that there is a gap in communication under victims' rights laws. When a child is removed and is staying with foster parents as opposed to their biological parents, the commonwealth's attorney's office does not know who to contact. He suggested that the court should be able to carry the guardian ad litem from the juvenile case to become the victim's advocate in the criminal case.

In response to a question by Senator Nunn regarding the disconnect between criminal and family courts in determining the termination of parental rights, Judge Varney stated that the social workers assigned to his cases always tell him if the biological parents have been charged with criminal offenses pertaining to treatment of the child. Senator Nunn then asked if it was wise to rely on social workers to relay this information. Judge Varney responded that the guardian ad litem can bridge this gap in information between the courts. Having judges communicate between the courts can establish bias.

In response to a question by Senator Nunn regarding the lack of a requirement for biological parents to provide documentation on employment and residing in sober living facilities, Judge Varney stated that it is up to the judge's discretion on how and if there is a need to verify and ask for documentation.

In response to a question by Vice-Chair Howell regarding the increase in in-home placement decisions as opposed to removal and if this increase is due to the disconnect between the courts and the Department for Community Based Services, Judge Varney stated that there are many reasons including a lack of foster parents and out-of-home placement facilities for children.

Vice-Chair Howell asked if the rise of child fatalities and near fatalities is due to not removing enough children from harm. Judge Varney responded that the issue is a lack of efficiency. When it is reported that a child is being harmed, a social worker needs to respond immediately but they are currently taking months to respond.

Update on Child Removal and Reunification

Lesa Dennis, commissioner of the Department for Community Based Services and Wesley Duke, general counsel for the Cabinet for Health and Family Services presented an update on the 2024 LOIC report, Child Removal and Reunification. Their presentation is available on the Legislative Oversight and Investigations Committee's webpage.

Senator Nunn inquired about Recommendation 3.1, specifically requesting more details on timelines for a system to track permanency plans. Commissioner Dennis explained that they are working with the Administrative Office of the Courts (AOC) to implement a new system, but AOC is currently working on updating their own system which adds to the delay. Further updates will be provided to the committee in October 2025.

Senator Nunn asked for more details on timelines and hurdles for permanency goals. Commissioner Dennis answered that while progress varies based on family circumstances, court delays also play a significant role.

Senator Nunn asked why a permanency goal might be extended for an absent father. Mr. Duke replied that sometimes absent parents make progress but then disengage, and each situation is reviewed individually.

Vice-Chair Howell expressed concern about the new rules for removal, limited resources, and whether federal funding is being affected. Commissioner Dennis explained that federal guidelines have been adopted to streamline the process for relatives and fictive kin to become foster parents, which has led to a 15 percent increase in placements with relatives and fictive kin. Kinship care navigators have been hired in all nine districts to support fictive kin in understanding the foster care system.

Vice-Chair Howell asked how long it takes for a relative and fictive kin caretaker to be approved to receive custody of the child. Commissioner Dennis answered that the process takes four months. The caregivers receive a \$12 per diem once accepted.

Vice-Chair Howell asked if this per diem is awarded retroactively if the child is placed before the process is completed. Commissioner Dennis said that the per diem only applied upon completion of the home study and approval.

Vice-Chair Howell asked whether federal funding is impacted when foster care subsidies are provided. Commissioner Dennis confirmed that federal reimbursement applies if certain requirements are met.

Representative Lockett referenced Judge Varney's statement on the disconnect between the General Assembly and the Department for Community Based Services, specifically the policies of the department and the legislators' intent of the statutes. Mr. Duke explained that DCBS has been actively working with the General Assembly and is open to improving communications with legislators and the judiciary. Commissioner Dennis

echoed the sentiment, stating there is opportunity to clarify and communicate understanding and processes.

Co-Chair Sharp asked about response times to initial child welfare reports.

Commissioner Dennis outlined that for imminent danger cases, the response window is 4 hours; for physical or sexual abuse and similar cases, 24 hours; and for lower priority cases, 48 hours.

Co-Chair Sharp asked how imminent danger is determined. Commissioner Dennis responded that the determination is based on information provided by the caller and the perceived immediacy of the threat.

Representative Roberts asked about the due process rights for individuals seeking reunification with their children. Mr. Duke affirmed that due process exists and emphasized the importance of qualified legal counsel in these cases.

Representative Roberts asked the standard for removal of information from the database when parents are reunified with their children. Mr. Duke said that he did not know the answer but that he would follow up with Representative Roberts and his office.

Co-Chair Elkins asked whether case workers have access to the TWIST system, which Commissioner Dennis confirmed. Co-Chair Elkins also inquired whether reports from mandatory reporters are required to be investigated. Mr. Duke responded that HB 271 (2024 Regular Session) mandates that reports from certain professionals must be investigated and cannot be ignored and it has to be processed. The next steps depend on which category of reporter made the call.

Staffing at Kentucky Veteran Centers

Whitney P. Allen, commissioner, Kentucky Department of Veterans Affairs; Mark Bowman, executive director, Office of Kentucky Veterans Centers; Martha Workman, deputy executive director, Office of Kentucky Veterans Centers; LaDonna Scott, administrator, Western Kentucky Veterans Center; Joni Gosser, administrator, Thomson-Hood Veterans Center; Jamie Mann, nurse consultant, Office of Kentucky Veterans Centers gave a presentation regarding census and staffing at Kentucky's veterans centers. The slides for their presentation can be found on the Legislative Oversight and Investigations Committee's website.

Representative Bratcher noted that although 300 beds were open, the facility continued to receive calls from those seeking admission and questioned why more admissions were not occurring. Mr. Bowman acknowledged the issue and explained that multiple

factors influence admissions but their goal is always to accept as many veterans as possible.

Representative Bratcher asked about the veterans centers' inability to take in high-acuity veterans. Mr. Bowman clarified that veterans with behavioral and mental health issues pose safety concerns to staff and other veterans in the centers and that Kentucky does not yet offer specialty services to this group, but they are in the process of developing a scalable behavioral health specialty service and plan to seek funding from the General Assembly to support its implementation. Ms. Scott explained that admission decisions are made on a case-by-case basis based on need, taking into account both physical and behavioral health factors, which are reviewed by an admissions committee consisting of an administrator, a social worker, and a nursing representative to ensure appropriate care.

Senator Nunn inquired about pay rates and whether they are consistent across the state. Mr. Bowman responded that pay is tied to local labor markets, but efforts are underway to equalize compensation. Eastern Kentucky has lower wages but it has the least issues with staffing. Senator Nunn asked for clarification that despite Central Kentucky's higher wages, those facilities have more trouble with staffing. Mr. Bowman confirmed that was occasionally the case, though the situations are not exactly comparable.

Senator Nunn asked about retirement benefits. Mr. Bowman responded that retirement benefits are based on a three-tiered system, and are determined by when an employee joined the system. Senator Nunn asked if the employees with newer and less lucrative retirement packages were compensated more than employees with better retirement packages. Mr. Bowman said no.

Representative Roberts asked why Kentucky appears to have more capacity issues than surrounding states. Mr. Bowman said that many states face even more significant capacity challenges than Kentucky. As an example, he stated that while Tennessee has filled most of its beds, it recently had to close a wing at one of its facilities due to staffing shortages.

Adjournment

Co-Chair Elkins said the committee will convene its next meeting on July 10, 2025, at 1:00 PM in Room 131 Capitol Annex. Committee staff will present an update on the Child Fatality and Near Fatality Panel.

With no further business, the meeting adjourned at 3:12 PM.