

# **INTERIM JOINT COMMITTEE ON FAMILIES AND CHILDREN**

## **Minutes of the 2nd Meeting of the 2024 Interim**

**July 30, 2024**

### **Call to Order and Roll Call**

The 2nd meeting of the Interim Joint Committee on Families and Children was held on July 30, 2024, at 1:00 PM in Room 149 of the Capitol Annex. Representative Samara Heavrin, Chair, called the meeting to order, and the secretary called the roll.

### **Present were:**

Members: Senator Danny Carroll Co-Chair; Representative Samara Heavrin Co-Chair; Senators Julie Raque Adams, Cassie Chambers Armstrong, Greg Elkins, Stephen Meredith, Robin L. Webb, and Max Wise; Representatives Shane Baker, Mike Clines, Stephanie Dietz, Daniel Elliott, Ken Fleming, Jim Gooch Jr., Josie Raymond, Steve Riley, Rachel Roarx, Sarah Stalker, Lisa Willner, and Nick Wilson.

Guest Legislators: Speaker Pro Tempore David Meade.

Guests: Allison Ball, Auditor of Public Accounts, Office of the Auditor of Public Accounts; Alexander Magera, General Counsel/Executive Director of the Office of Special Examinations, Office of the Auditor of Public Accounts; Johnathan Grate, Ombudsman, Commonwealth Office of the Ombudsman, Office of the Auditor of Public Accounts; Eric Friedlander, Secretary, Cabinet for Health and Family Services; Wesley Duke, General Counsel, Cabinet for Health and Family Services; Lesa Dennis, Commissioner, Department for Community Based Services, Cabinet for Health and Family Services; Norma Hatfield, President, Kinship Families Coalition of Kentucky; Andrea Day, Director, Division of Child Care, Department for Community Based Services, Cabinet for Health and Family Services

LRC Staff: Ben Payne, Logan Bush, Samir Nasir, DJ Burns, and Victoria Alcorn.

### **Approval of Minutes**

A motion to approve the June 19, 2024, minutes was made by Senator Raque Adams, seconded by Representative Wilson, and approved by a voice vote.

## **Implementation Update on the Reorganization of the Commonwealth Office of the Ombudsman**

Allison Ball, Auditor of Public Accounts, Office of the Auditor of Public Accounts, discussed the reorganization of the Commonwealth Office of the Ombudsman from the Cabinet for Health & Family Services (CHFS) to the Office of the Auditor of Public Accounts (OAPA). Auditor Ball gave a detailed update on problems pertaining to the reorganization including not having access to the iTWIST database which is a database containing information pertinent to ensuring Kentucky's most vulnerable populations receive government services they need.

In response to questions and comments from Senator Meredith, Auditor Ball stated that the General Assembly did everything correctly when reorganizing the Ombudsman Office in the 2023 Regular Session with SB 48, but she is open to new legislation in 2025 to clarify any problems with the iTWIST database access.

In response to questions and comments from Representative Raymond, Auditor Ball stated that the OAPA is open to doing a memorandum of agreement (MOA) with CHFS pertaining to access of the iTWIST database if it outlines not withstanding differences of legal interpretations on the matter and doesn't limit legal avenues moving forward.

In response to questions and comments from Representative Dietz, Auditor Ball stated that that any concerns about iTWIST were not shared by CHFS until after the legislative session had ended this year.

In response to questions and comments from Representative Meade, Wesley Duke, General Counsel, Cabinet for Health and Family Services, stated that CHFS could not agree to a court order at this time. Eric Friedlander, Secretary, Cabinet for Health & Family Services, stated that CHFS is open to a MOA and has stated that the OAPA does not have to give up future legal options. CHFS will continue to work with the OAPA to come to an agreement to allow access to the iTWIST database. Mr. Duke stated that legislation in 2025 is the best option and a MOA could be a stop gap until that legislation is passed.

In response to questions and comments from Representative Dietz, Secretary Friedlander stated that the concerns with the iTWIST system access and the statutes pertaining to it, did not come up until after the legislative session had ended this year. He did not have an answer about if the transfer of the ombudsman's office had increased public confidence in CHFS.

In response to questions and comments from Senator Elkins, Secretary Friedlander stated that he would get back with the exact date that CHFS realized the statute prevented the sharing of the iTWIST database. Mr. Duke stated that KRS 620.050 (5) is a narrowly written statute that lists out who can have access to the information within the iTWIST database. Secretary Friedlander stated that CHFS has business agreements between different departments to share information.

In response to questions and comments from Representative Wilson, Mr. Duke stated that due to the specifics of KRS 620.050 (5), it is the prevailing statute that CHFS must follow when it comes to these records.

In response to questions and comments from Senator Carroll, Mr. Duke stated that in negotiations with the OAPA that CHFS has proposed to allow access to the iTWIST database if OAPA will agree that the information will only be shared with groups outlined in KRS 620.050 (5). These assurances are needed to guarantee funding of federal funds by keeping records confidential. When the Ombudsman's office was in CHFS, the office had read only access to the database and if a MOA can be reached that access will be restored in the Office of the OAPA.

Alexander Magera, General Counsel/Executive Director of the Office of Special Examinations, Office of the Auditor of Public Accounts, discussed the OAPA's interpretation of KRS 620.050 and how it does not prohibit the use of the iTWIST database now that the Ombudsman's office is located within the APA.

### **Child Care and Development Fund (CCDF) FFY 2025-2027 State Plan Public Hearing**

Andrea Day, Director, Division of Child Care, Department for Community Based Services, Cabinet for Health and Family Services, discussed the CCDF FFY 2025-2027 State Plan. A motion to approve the state plan was made by Representative Riley, seconded by Senator Raque Adams, and approved after a roll call vote.

### **Implementation Updates Related to 2024 HB 271 and 2024 SB 151**

Eric Friedlander, Secretary, Cabinet for Health and Family Services, discussed implementation updates related to 2024 HB 271 and SB 151 including appropriations needed for full implementation of both bills.

In response to questions and comments from Senator Raque Adams, Secretary Friedlander stated that CHFS has drafted administrative regulations but cannot proceed with them without an appropriation. An estimate was provided by CHFS to the Budget

Review office within the Legislative Research Commission for the cost of implementing SB 151.

In response to questions and comments from Representative Roarx, Lesa Dennis, Commissioner, Department for Community Based Services, Cabinet for Health & Family Services, stated that HB 271 has been implemented or is in process of being implemented except for portions of section 6 that will require additional funding. Commissioner Dennis stated that additional avenues for teachers to be able to report suspected abuse are on track to being implemented.

In response to questions and comments from Representative Dietz, Secretary Friedlander stated that more funding is needed to implement the increased investigations provisions of HB 271. CHFS does not have a policy disagreement pertaining to the two bills, it is a funding disagreement. Social workers must sit in the court room until the case is called, if social workers are not in the court room when the case they are assigned to is called, the judge can find the social worker in contempt.

In response to questions and comments from Representative Heavrin, Secretary Friedlander stated that the main portion of funds returned to the general fund pertained to child care for businesses. The cost of a social worker per year is around \$90,000. Secretary Friedlander stated that funds for additional child care subsidy payments in 2023 were from initiatives in child care and from federal funds. Commissioner Dennis stated that approximately 1500 children are in relative or fictive kin care in the state. No federal funding for kinship care payments have been found at this time. Secretary Friedlander stated that CHFS will ask about federal grants that could be used to fund kinship care payments. CHFS could provide an update on federal funding at the next meeting of the IJC on Families & Children.

In response to questions and comments from Representative Clines, Secretary Friedlander stated that John Hicks, Executive Secretary, General Government Cabinet, is his direct supervisor and that he does not receive annual appraisals.

In response to questions and comments from Representative Wilson, Secretary Friedlander stated that with full implementation of HB 271 around 11,000 more investigations would take place based on section six of the bill. He stated that there is not a policy disagreement on the bill, but a funding one.

In response to questions and comments from Senator Chambers Armstrong, Commissioner Dennis stated that if a child is named as a victim in a domestic violence case that the case is screened and investigated. Secretary Friedlander stated that CHFS would provide data on investigations resulting from domestic violence cases.

In response to questions and comments from Senator Carroll, Secretary Friedlander stated that under this administration the number of social workers and their salaries have increased. Regardless of where the request comes from the same process is followed in regards to implementation and funding. There is no available funds to implement HB 271 and SB 151.

In response to questions and comments from Representative Stalker, Commissioner Dennis stated that approximately 1500 children are placed with a relative or fictive kinship care and going through the process of receiving funding through CHFS. Secretary Friedlander stated that when a child is placed with a relative/fictive care giver that decisions must be made if DCBS will have custody or if the relative will have custody and support depends on that decision.

In response to questions and comments from Representative Fleming, Secretary Friedlander stated that prioritizing programs are based on funding availability.

Norma Hatfield, President, Kinship Families Coalition of Kentucky, discussed SB 151 and its importance to Kinship care families. She discussed the reasons SB 151 was needed and recommendations on the implementation of SB 151.

### **Consideration of Referred Administrative Regulations**

The following referred administrative regulations were on the agenda for consideration.

**921 KAR 002:015 Proposed** - Supplemental programs for persons who are aged, blind, or have a disability.

**908 KAR 001:410 Proposed** - Recovery housing.

The administrative regulations above have been reviewed by the committee.

### **Adjournment**

There being no further business, the meeting was adjourned at 3:10 PM.