

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 5th Meeting of the 2024 Interim

October 17, 2024

Call to Order and Roll Call

The fifth meeting of the Interim Joint Committee on Judiciary was held on October 17, 2024, at 11:00 a.m. in Room 149 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Daniel Elliott Co-Chair; Senators Karen Berg, Danny Carroll, Matthew Deneen, Gerald A. Neal, John Schickel, Brandon J. Storm, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Josh Bray, Lindsey Burke, Stephanie Dietz, Steven Doan, Patrick Flannery, Keturah Herron, Nima Kulkarni, Savannah Maddox, Kimberly Poore Moser, Jason Nemes, Jason Petrie, Steve Rawlings, Pamela Stevenson, and Nick Wilson.

Guests: Turney Berry, Esq., Uniform Law Commission; Leslie Hoffman, Deputy Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services; Angela Sparrow, Behavioral Health Supervisor, Department for Medicaid Services, Cabinet for Health and Family Services; Elzie Burgher, Executive Director, Office of Support Services, Department of Juvenile Justice, Justice and Public Safety Cabinet; Beth Moore, Director, Division of Public Affairs, Department of Corrections, Justice and Public Safety Cabinet; and Stacy Tapke, County Attorney, Kenton County.

LRC Staff: Roberta Kiser, Stephanie Larkin, Eric Rodenberg, Randall Roof, Joshua Shelepak, Matt Trebelhorn, and Robert Wright.

Approval of Minutes of the September 19, 2024 Meeting

A motion was made by Senator Schickel and seconded by Representative Blanton to approve the minutes of the September 19, 2024, meeting. Minutes were approved by voice vote without objection.

Uniform Law Proposals

Turney Berry, Esq., Uniform Law Commission, presented on Uniform Laws. Mr. Berry outlined five Uniform Laws: the Uniform Directed Trust Act, the Uniform Trust Decanting Act, the Uniform Electronic Wills Act, the Uniform Electronic Estate Planning Documents Act, and the Kentucky Qualified Dispositions in Trust Act.

In response to a question from Representative Flannery, Mr. Berry discussed how the

Committee meeting materials may be accessed online at <https://apps.legislature.ky.gov/CommitteeDocuments/8>

Uniform Directed Trust Act differs from current Kentucky law.

In response to questions from Senator Wheeler, Mr. Berry discussed financial institutions, lawyers, and clients passing on opportunities for managing trusts in Kentucky. Mr. Berry discussed the benefits of a directed trust.

In response to questions from Representative Elliott, Mr. Berry confirmed the Uniform Trust Decanting Act would narrow Kentucky law allowing trustees to divest between trusts. Mr. Berry confirmed the number of states that have adopted the Uniform Electronic Wills Act. Mr. Berry discussed a bill in the 2023 Regular Session similar to the Kentucky Qualified Dispositions in Trust Act.

In response to a question from Representative Nemes, Mr. Berry discussed the challenges of electronic signatures and wills, and safeguards to address those challenges.

Medicaid for Justice-Involved Individuals

Leslie Hoffman, Deputy Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services (CHFS); Angela Sparrow, Behavioral Health Supervisor, Department for Medicaid Services, CHFS; Elzie Burgher, Executive Director, Office of Support Services, Department of Juvenile Justice, Justice and Public Safety Cabinet; and Beth Moore, Director, Division of Public Affairs, Department of Corrections, Justice and Public Safety Cabinet, discussed Medicaid for justice-involved individuals. Ms. Hoffman discussed the poor health outcomes for individuals who have recently served sentences in correctional facilities, who are awaiting trial or sentencing, and those under community supervision. Ms. Hoffman outlined the approval of the Kentucky Department for Medicaid Services (DMS) Reentry 1115 application aimed at improving care transitions for incarcerated individuals and juvenile offenders. Ms. Hoffman discussed Reentry 1115 program components, goals, eligible populations, and covered services. Ms. Sparrow discussed the fiscal impacts of the Reentry Project and Medicaid provisions for incarcerated juvenile offenders. Ms. Hoffman outlined the Reentry Project's community partners and project timeline.

In response to a question from Representative Elliott, Ms. Sparrow confirmed DMS is planning to utilize Medicaid Section 5122 coverage.

In response to questions from Senator Wheeler, Ms. Sparrow discussed the associated health care costs of treating individuals housed in county jails. Ms. Sparrow confirmed treating substance abuse disorder is a required service.

In response to questions from Senator Berg, Ms. Sparrow clarified that an individual's Medicaid eligibility is suspended upon incarceration in Kentucky. Ms. Sparrow confirmed

Kentucky covers the cost of services provided to incarcerated individuals.

In response to a question from Senator Carroll, Ms. Sparrow confirmed the Reentry Project's initial approval only applies to state correctional facility inmates. Ms. Sparrow confirmed there is an opportunity to expand coverage to county jail inmates. Ms. Sparrow confirmed eligible populations and covered services under Section 5121.

In response to a question from Representative Moser, Ms. Sparrow discussed staffing requirements related to the Reentry Project.

In response to a question from Representative Kulkarni, Ms. Sparrow agreed to provide information regarding services covered under the Reentry Project and staffing requirements.

In response to a question from Representative Herron, Ms. Sparrow discussed the length of a juvenile inmate's covered services.

Guardianship Law Update

Stacy Tapke, County Attorney, Kenton County, provided an update on guardianship law in Kentucky. Ms. Tapke outlined the most common reasons for entering into a guardianship or conservatorship. Ms. Tapke discussed the number of guardianship filings in FY 2022, 2023, and 2024, and the number of Kentuckians with a state guardian. Ms. Tapke detailed how recent legislation has affected guardianship law in Kentucky and possible changes coming to guardianship law.

In response to a question from Representative Elliott, Ms. Tapke discussed the zealous advocate standard versus the best interest standard for guardian ad litem when representing respondents.

In response to a question from Senator Carroll, Ms. Tapke discussed how proposed Amendment 1 would affect those under guardianship in Kentucky.

In response to a question from Representative Dietz, Ms. Tapke discussed financial reporting accuracy regarding improving oversight and accountability of guardians.

In response to a question from Senator Storm, Ms. Tapke discussed the responsibilities of the state guardian case worker. Ms. Tapke agreed to provide additional information regarding state guardians.

Adjournment

There being no further business, the meeting adjourned at 1:01 PM.

