

199.462 Criminal background investigation of applicant to provide foster care, relative caregiver services, fictive kin placement, or adoptive home, and of applicant's adult household members -- Request for conviction information -- Form and fee for request -- Disapproval of placement on sole basis of disability of prospective caregiver prohibited -- Background investigation at annual reevaluation authorized -- Rap back system -- Prohibited approvals -- Administrative regulation.

- (1) Before an applicant is approved to provide foster care or relative caregiver services to a child, to be considered a fictive kin placement for a child, or to receive a child for adoption, the Cabinet for Health and Family Services shall:
 - (a) Require a criminal background investigation of the applicant and any of the applicant's adult household members by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation; or
 - (b) Request from the Justice and Public Safety Cabinet records of all conviction information for the applicant and any of the applicant's adult household members. The Justice and Public Safety Cabinet shall furnish the information to the Cabinet for Health and Family Services and shall also send a copy of the information to the applicant.
- (2) The request for records shall be in a manner approved by the Justice and Public Safety Cabinet, and the Justice and Public Safety Cabinet may charge a fee to be paid by the applicant for the actual cost of processing the request.
- (3) The Cabinet for Health and Family Services shall not disapprove of any placement or custody arrangement, including but not limited to foster care, relative caregiver services, fictive kin placement, temporary custody, permanent custody, or adoption on the sole basis of a disability of the prospective caregiver without considering whether targeted adaptive or supportive services could enable the prospective caregiver to provide essential care and protection for the child.
- (4) During a certified adoptive or foster home's annual reevaluation, the Cabinet for Health and Family Services may:
 - (a) Require a background investigation for each adult household member of the certified adoptive or foster home under subsections (1) and (2) of this section; or
 - (b) Register each adult household member of a certified adoptive or foster home under subsections (1) and (2) of this section in the rap back system.
- (5) If a child is placed and resides in a fictive kin home for more than seventy-two (72) hours, the Cabinet for Health and Family Services shall take action, including but not limited to the following:
 - (a) Provide information on how to recognize and report child abuse or neglect; and
 - (b) Ensure that, within the first five (5) days of a child under the age of five (5) years old being placed in a fictive kin home, the fictive kin has completed a one (1) time training course of one and one-half (1.5) hours of training covering the prevention and recognition of pediatric abusive head trauma, as

defined in KRS 620.020.

- (6) The Cabinet for Health and Family Services shall not approve an individual to provide foster care or relative caregiver services to a child, to be considered a fictive kin placement for a child, or to receive a child for adoption if the individual:
 - (a) Is a registrant as defined in KRS 17.500;
 - (b) Has an adult living in the individual's home who is a registrant as defined in KRS 17.500; or
 - (c) Has a minor child living in the individual's home who is a registrant as defined in KRS 17.500 or who has been declared a juvenile sex offender under KRS 635.510.
- (7) The Cabinet for Health and Family Services shall promulgate an administrative regulation in accordance with KRS Chapter 13A to implement this section.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 68, sec. 1, effective July 15, 2026. -- Amended 2025 Ky. Acts ch. 26, sec. 2, effective June 27, 2025. -- Amended 2017 Ky. Acts ch. 10, sec. 2, effective June 29, 2017; and ch. 135, sec. 3, effective March 27, 2017. -- Amended 2007 Ky. Acts ch. 85, sec. 239, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 176, effective June 20, 2005. -- Amended 2003 Ky. Acts ch. 166, sec. 1, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 426, sec. 138, effective July 15, 1998. -- Repealed, reenacted and amended 1988 Ky. Acts ch. 345, sec. 3, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 475, sec. 2, effective July 15, 1986.