922 KAR 1:400. Supportive services.

RELATES TO: KRS 2.015, 45.237-45.241, 194A.005(1), 199.011(3), (4), 205.2003(3), 205.211, 205.703, 209.020(2), 209.130, 209A.020(1), 600.020(1), (6), (8), 610.110(6), 620.020(1), 620.140(1)(e), 45 C.F.R. Parts 260-265, 42 U.S.C. 601-679b

STATUTORY AUTHORITY: KRS 194A.050(1), 605.130(7), 605.150

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill responsibilities vested in the cabinet. KRS 605.150 authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605, including KRS 605.130(7), which authorizes the cabinet to perform services necessary for the protection of children. This administrative regulation establishes standards for provision of supportive services to a family receiving ongoing case management services or to safely maintain a child in the child's home through the cabinet, to the extent funds are available.

Section 1. Definitions.

(1) "Cabinet" is defined by KRS 194A.005(1), 199.011(3), 600.020(7), 209.020(2), and 209A.020(1).

(2) "Child" means:

(a) A child defined by KRS 199.011(4) and 600.020(9);

(b) A person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(e); or

(c) A person under age twenty-one (21) who meets the exceptions to the age of majority in accordance with KRS 2.015.

(3) "Intensive family-based support services" means the goal of keeping the family united or if removal of a child is necessary, placing the child in the least restrictive setting consistent with his or her individual needs.

(4) "Kentucky Transitional Assistance Program" or "K-TAP" means Kentucky's Temporary Assistance for Needy Families Program, a money payment program for a child who is deprived of parental support or care, as described at 921 KAR 2:006, Section 1(9).

(5) "Kentucky Works" means a program that assists a:

(a) Recipient of K-TAP in obtaining education, training, experience, and employment necessary to leave public assistance; or

(b) Former K-TAP recipient with job retention service.

(6) "Paraprofessional attendant" means a person with a high school diploma or bachelor's degree and training related to the services he or she provides, under the supervision of a licensed professional.

(7) "Rehabilitative services" means medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice under state law, for maximum reduction of physical or mental disability and restoration of a recipient to his or her best possible functional level.

(8) "Safety net services" means:

(a) A short-term intervention or maintenance service to help an individual or family develop and maintain skills and abilities to prevent out-of-home placement for a child in that family; or

(b) Monetary benefits to assist in maintaining self-sufficiency.

(9) "Targeted case management" means a set of activities which assist an individual in accessing needed medical, social, educational, and other support services.

Section 2. Child Care Services. The cabinet may refer for child care services pursuant to 922 KAR 2:160 any individual or family who:

(1) Makes a request for assistance for child care expenses;

(2) Needs child care for protection or prevention of child abuse, neglect, or exploitation; or

(3) Needs child care for a child of a teen parent attending high school.

Section 3. Child Support Service. The cabinet may make a referral for child support services, by means of the process described at 921 KAR 1:380 on behalf of a child entering out-of-home care through a:

(1) Voluntary commitment agreement; or

(2) Court order assigning legal responsibility for the child to the cabinet.

Section 4. Intensive Family-based Support Services.

(1) Intensive family-based support services shall be provided through a contractual agreement, for the purpose of:

(a) Stabilizing a child in the child's own home or foster home;

(b) Preventing further hospitalization or institutionalization; and

(c) Enabling a child and the child's family to improve their lives.

(2) An intensive family-based support service may be provided to a child with one (1) or more of the following:

(a) Intellectual or developmental disability;

(b) Emotional or behavioral disturbance;

(c) Dual diagnosis;

(d) Risk of institutionalization; or

(e) Need for aftercare services following release from an institution or other highly structured setting.

(3) Except for the assessment and discharge planning, intensive family-based support services shall not start while a child is in a hospital or an institution.

(4) Intensive family-based support services shall be available to a family with a child living in a:

(a) Biological home;

(b) Foster home; or

(c) Adoptive placement.

(5) The cabinet may make a referral for intensive family-based support services which may include the following:

(a) A comprehensive assessment, to include:

1. Review of medical, psychiatric, social, and educational assessments conducted within the last twelve (12) months; and

2. An in-home assessment;

(b) If appropriate, discharge planning provided through the service provider's involvement with a foster or biological family, the child, and the hospital or institution to ensure:

1. A coordinated approach upon discharge; and

2. That communication is clear regarding behaviors, goals, and recommended interventions;

(c) Planned support services provided to assist with routine day-to-day activity that is crucial to stabilization of a child within the family unit;

(d) Family intervention services, such as behavioral and family counseling, to assist a child and family in:

1. Identifying and resolving issues underlying the dysfunctional behaviors within a family; or

2. Eliminating barriers to change;

(e) Respite care services provided to allow a biological or a foster parent relief for a designated period of time from the stress of caring for an emotionally disturbed or physically disabled child or to allow time to attend to other needs;
(f) A paraprofessional attendant to provide direct in-home services to a child, or a biological or foster parent, as identified in the case plan;
(g) Purchase of care in an alternate living unit, as a component of an intensive family-based support services contract;
(h) Art or music therapy from a qualified professional;
(i) Educational consultation and support;
(j) Crisis intervention;
(k) Skill development; or
(l) Other service identified in the case plan.

(6) The type, frequency, intensity, and duration of services shall be determined according to each individual situation.

(7) A family case plan shall be developed to address:
(a) Family strengths and needs;
(b) Goals, objectives, and tasks;
(c) Time frames; and
(d) Anticipated outcomes.

Section 5. Safety Net Services.

(1) Safety net services shall be provided for a former K-TAP recipient who:
(a) Has total income at or below 200 percent of federal poverty level; and
(b) Is no longer eligible for K-TAP benefits due to:
1. Failure to comply with Kentucky Works requirements of 921 KAR 2:370, Section 7(2); or
2. Reaching benefit time limitations established at 921 KAR 2:006, Section 21.

(2) A safety net service shall include contact with the family and may address the following:
(a) Assistance to the individual or family to identify the problem and resources available to improve the situation;
(b) Linkage to the appropriate resources; or
(c) Intervention in a crisis situation including:
1. Fuel shortage;
2. Utility shutoff;
3. Insufficient food, clothing, housing, or employment; or
4. Response to an inquiry regarding the family situation.

(3)
(a) The cabinet may authorize fund distribution to an appropriate vendor, in order to provide for a family's safety net services.
(b) Up to a total of $635 may be paid over four (4) months during the twelve (12) month period following an event specified in subsection (1)(b) of this section.

Section 6. Medicaid Services.

(1) Rehabilitative services shall be provided to a Medicaid-eligible child under the age of twenty-one (21) who meets the Department for Community Based Services' conditions and circumstances as a child in the custody of, or under the supervision of, or at risk of being in the custody of, the cabinet.

(2) Targeted case management services shall be provided to a Medicaid-eligible individual in accordance with 907 KAR 3:020, Section 3(1).

Section 7. K-TAP Determination for Domestic Violence Victims. If a report of alleged domestic violence is made, the cabinet shall:

(1) Attempt to arrange a face-to-face interview with the alleged victim to conduct an assessment or investigation, according to the procedure established at 921 KAR 2:006, Section 25, and, if necessary, shall offer:

(a) Protective and general adult services; or

(b) Educational materials in accordance with KRS 209A.130; and

(2) Upon completion of the assessment or investigation, provide information to K-TAP whether the reported victim:

(a) Is in a domestic violence situation; and

(b) Has agreed to services.

Section 8. Assessment of Minor Teenage Parents.

(1) If a determination is made that a minor teenage parent is an applicant or recipient of K-TAP and is not living with an adult or legal guardian, the minor teenage parent shall be referred for an assessment of the minor teenage parent's safety, including assistance with an alternative living arrangement if necessary.

(2) The cabinet shall:

(a) Conduct a face-to-face contact with the minor teenager's parent and the minor parent's child;

(b) Conduct a face-to-face interview with the minor parent in order to assess the minor parent's current situation and the safety issues for the minor teenage parent and child;

(c) Determine if the minor teenager's parent or guardian accepts the minor teenager's living arrangement;

(d) Refer the family to the appropriate services; and

(e) Provide the following to the Division of Family Support:

1. Identification of safety issues;

2. A recommendation regarding opening a protective or preventive services case on the family; and

3. Services to which the minor teenage parent has been referred.

Section 9. Improper Payments. The cabinet shall recover the amount of an improper payment pursuant to KRS 45.237-45.241 and 205.211, including assistance paid pending the outcome of a hearing, from the claimant-payee.

Section 10. State Plan. A copy of the state's Title IV-A Temporary Assistance for Needy Families state plan may be obtained by a request in writing made to the Commissioner of the Department for Community Based Services, Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621.

(922 KAR 001:400. 27 Ky.R. 649; Am. 1021; eff. 10-16-2000; 28 Ky.R. 490; 898; eff. 9-25-2001; TAm eff. 10-27-2004; TAm eff. 1-27-2006; 33 Ky.R. 1460; 2339; 2977; eff. 4-6-2007; TAm eff. 8-24-2010; 39 Ky.R. 2233; 40 Ky.R. 559; eff. 9-18-2013; 43 Ky.R. 1695; 1981; eff. 6-2-2017; 45 Ky.R. 2235; eff. 5-31-2019; Crt eff. 1-8-2026.)