

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Community Based Services

Division of Protection and Permanency

(Amended After Comments)

922 KAR 1:340. Standards for independent living programs.

RELATES TO: KRS 2.015, 199.011, 600.020, 610.110(6), 620.140(1)(d), 42 U.S.C. 677(a)(1)-(6)

STATUTORY AUTHORITY: KRS 194A.050(1), 199.640(5)(a), 605.150(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.640(5)(a) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies. KRS 605.150(1) permits the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This administrative regulation establishes basic standards of care for independent living programs.

Section 1. Definitions.

- (1) "Aftercare" means services provided to the child after discharge from a child-placing agency.
- (2) "Cabinet" is defined by KRS 194A.005(1) and 600.020(7).
- (3) "Child" means:
 - (a) A child as 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)(d); or
 - (c) A person under age twenty-one (21) who meets the exceptions to the age of majority in accordance with KRS 2.015.
- (4) "Child-placing agency" is defined by KRS 199.011(6).
- (5) "Community resource" means a service or activity available in the community in addition to those provided by the child-placing agency in the care and treatment of a child.
- (6) "Independent living program" means a planned program that:
 - (a) Is licensed by the cabinet and designed to teach a child age eighteen (18) or older life skills that enable a child to become self-sufficient; and
 - (b) Meets the requirements established in Section 3(1) of this administrative regulation.
- (7) "Independent living services" means services provided to an eligible child age fourteen (14) or older, as specified in 922 KAR 1:310, Section 15, to assist the child in the natural progression from adolescence to adulthood.
- (8) "Individual treatment plan" or "ITP" means a plan of action developed and implemented to address the needs of a child.
- (9) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and the individual's environment.
- (10) "Supervision plan" means a written supplement to a child's ITP, developed in accordance with 922 KAR 1:310, Section 6, that details a child-placing agency's roles and responsibilities to assure adequate supervision of a child in the agency's care, including those roles and responsibilities delegated to a foster home parent.

Section 2. Administration and Operation.

- (1) Licensing procedures for an independent living program shall be:
 - (a) In compliance with 922 KAR 1:310 for a private child-placing agency; and
 - (b) Administered pursuant to 922 KAR 1:305.
- (2) An independent living program shall meet the requirements of 922 KAR 1:310, Section 15.

Section 3. Independent Living Program and Services.

- (1) A child-placing agency providing an independent living program shall be in compliance with 922 KAR 1:310, Section 15, and staff shall:
 - (a) Conduct and document an assessment of the child's skills and knowledge:
 1. Within fourteen (14) days of a child's placement with the child-placing agency and provision of services by the agency's independent living program; and
 2. Using a tool to assess:
 - a. Money management and consumer awareness;
 - b. Job search skills;
 - c. Job retention skills;
 - d. Use of and access to:
 - (i) Community resources;
 - (ii) Housing; and
 - (iii) Transportation;
 - e. Educational planning;
 - f. Emergency and safety skills;
 - g. Legal knowledge;
 - h. Interpersonal skills, including communication skills;
 - i. Health care knowledge, including knowledge of nutrition;
 - j. Human development knowledge, including sexuality;
 - k. Management of food, including food preparation;
 - l. Ability to maintain personal appearance;
 - m. Housekeeping; and
 - n. Leisure activities;
 - (b) Develop and update quarterly a written ITP within thirty (30) calendar days of a child's placement in an independent living program, to include:
 1. Educational, job training, housing, and independent living goals;
 2. Objectives to accomplish a goal;
 3. Methods of service delivery necessary to achieve a goal and an objective;
 4. Person responsible for each activity;
 5. Specific timeframes to achieve a goal and an objective;
 6. Identification of a discharge plan;
 7. Plan for aftercare services; and
 8. Plan for services from community resources;
 - (c) Maintain written policies and procedures for the independent living program;
 - (d) Train and document the training provided to designated independent living staff within thirty (30) days of employment on:
 1. Content of the independent living curriculum;
 2. Use of the independent living materials;
 3. Application of the assessment tool;
 4. Documentation methods used by the child-placing agency;
 5. State and federal benefits available to current and former foster children;
 6. State information web portals for foster children; and
 7. Social media resources and regional independent living specialists available to foster children; and

(e) Maintain, teach, and support independent living in accordance with 42 U.S.C. 677(a), including:

1. Obtaining a high school diploma or equivalency and post-secondary education;
2. Obtaining vocational training;
3. Financial literacy, money management, and consumer awareness;
4. Career exploration and job search skills;
5. Job placement and retention skills;
6. Community resources;
7. Securing stable housing;
8. Transportation, including driving instruction;
9. Emergency and safety skills;
10. Legal skills;
11. Interpersonal skills, including communication skills;
12. Health care, including nutrition, smoking avoidance, and preventive health activities;
13. Human development, including sexuality and pregnancy prevention;
14. Food management, including food preparation;
15. Maintaining personal appearance;
16. Housekeeping;
17. Leisure activities;
18. Voting rights and registration;
19. Registration for selective service, if applicable;
20. Self-esteem;
21. Anger and stress management;
22. Problem-solving skills;
23. Training and the opportunity to practice daily living skills;
24. Substance abuse prevention;
25. Developing and maintaining mental, emotional, and physical health;
26. Developing meaningful, permanent connections;
27. Educational planning;
28. Planning for the successful transition to adulthood, including obtaining necessary documentation; and
29. Decision-making and planning skills.

(2) Child-placing agency staff shall:

- (a) With the exception permitted by subsection (6) of this section, be responsible for a child at least eighteen (18) years of age in an independent living program and provide supervision in accordance with the child's supervision plan;
- (b) Be available for twenty-four (24) hours, seven (7) days a week crisis support for a child in the independent living program, regardless of the child's age;
- (c) Conduct a visual and exploratory review of a child's living unit at least monthly, to include a review for:
 1. Safety;
 2. Use of alcohol; and
 3. Illegal contraband;
- (d) Maintain a caseload of no more than ten (10) children; and
- (e) Document annual compliance with fire and building codes for any living unit in which the agency places a child.

(3)

- (a) A living unit for a child in an independent living program shall be occupied by only a child or children approved to occupy the living unit by the child-placing agency.
- (b) Nonresidents shall be asked to vacate the living unit.

- (4) The child-placing agency shall assure and document that the living unit of a child in an independent living program:
 - (a) Does not present a hazard to the health and safety of the child;
 - (b) Is well ventilated and heated; and
 - (c) Complies with state and local health requirements regarding water and sanitation.
- (5) The child-placing agency shall maintain documentation for each child concerning:
 - (a) Assistance to the child in finding and keeping in touch with family, if possible;
 - (b) Physical and behavioral health services received by a child;
 - (c) Progress each child has made in the independent living program, including independent living services received;
 - (d) Progress in an educational program, including vocational education;
 - (e) An assessment of the child's readiness to live independently; and
 - (f) Staff's contacts with the child, including observation of the child's living arrangement.
- (6) A child that is seventeen (17) and one-half (1/2) years of age may be placed in a supervised independent living site or scattered independent living student housing site if an exception to subsection (2)(a) of this section is approved by the director of the Division for Protection and Permanency or designee.

Section 4. Independent Living Placement Types. A child-placing agency may provide independent living services to a child placed in:

- (1) A supervised independent living site, which shall include an apartment unit or house with or without roommates that may have shared sleeping spaces, bathrooms, kitchens, or common areas, if an agency staff member:
 - (a) Is onsite with the child and available twenty-four (24) hours, seven (7) days a week;
 - (b) Distributes medication daily, if prescribed by a qualified medical provider;
 - (c) Has daily face-to-face in-person contact with the child; and
 - (d) Ensures that the child meets daily curfew requirements established by the agency;or
 - (2) A scattered independent living site, which shall include an apartment unit, house, or student housing with or without roommates that may have shared sleeping spaces, bathrooms, kitchens, or common areas, if an agency staff member has at least one (1) face-to-face, in-person contact per week with the child.
- (42 Ky.R. 216; 1259; 1532; eff. 11-18-2015; 48 Ky.R. 2656; 49 Ky.R. 392, 593; eff. 9-28-2022.)

MARTA MIRANDA STRAUB, Commissioner
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