

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Community Based Services**  
**Division of Protection and Permanency**  
**(Amendment)**

**922 KAR 1:580. Standards for children's advocacy centers.**

RELATES TO: KRS Chapter 13B, 17.165, Chapter 273, 600.020(7), 620.020, 620.045, 620.050

STATUTORY AUTHORITY: KRS 194A.050(1), 620.045(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the citizens of the Commonwealth and to operate the programs and fulfill the responsibilities of the cabinet. In order to be eligible for grants from state government entities, KRS 620.045(2) requires children's advocacy centers to comply with the statutory definition established in KRS 620.020(4) and administrative regulations promulgated by the cabinet. This administrative regulation establishes program standards for children's advocacy centers.

**Section 1. Definitions.**

- (1) "Cabinet" is defined by KRS 600.020(7).
- (2) "Governing board" or "board" means the board of directors vested with the legal responsibility for management of the children's advocacy center.
- (3) "Referral agreement" means a written protocol or process:
  - (a) Defined within the operating policies of the center; and
  - (b) That details how services required by Section 4 of this administrative regulation are established for the center's clients if the center does not have the capacity to provide these services.
- (4) "Regional children's advocacy center" or "center" means an agency defined by KRS 620.020(4) and designated by the cabinet to serve as the regional children's advocacy center in accordance with KRS 620.045(1).

**Section 2. Governing Board of Directors.**

- (1) A center shall be managed by a governing board in order to allow community involvement in the planning, development, and evaluation of services.
- (2) The duties of the board shall be to:
  - (a) Ensure that the facility housing the center meets the standards established in the "National Children's Alliance 2023 Standards of Accreditation for Children's Advocacy Centers"; and
  - (b) Recruit and maintain board members who provide broad regional representation of the area development district where the center is located.
- (3) A center shall maintain good standing as a private, nonprofit agency within the Commonwealth of Kentucky and adhere to the applicable requirements of KRS Chapter 273 relating to the board of directors and organization.

**Section 3. Personnel Management.**

- (1) A personnel file shall be maintained by the center for each employee.
- (2) The minimum contents of the personnel file shall include:
  - (a) Current professional credentials to reflect training and experience adequate for qualification for the position to which the employee is hired;
  - (b) Conditions or terms of employment that shall include a confidentiality statement signed by the employee;

- (c) A personnel action document reflecting a change in status of an employee, such as salary change, promotion, resignation, or termination;
  - (d) A position description document including title of the position, description of duties, and requirements of training and experience necessary to qualify for the position; and
  - (e) Results from a criminal records background and central registry check conducted in accordance with KRS 17.165 and 922 KAR 1:470 on the employee during the application process and every two (2) years thereafter while employed by the center.
- (3) Written personnel policies and procedures shall be established by the center and shall meet the requirements established in the "National Children's Alliance 2023 Standards of Accreditation for Children's Advocacy Centers".
- (4) The governing board shall employ one (1) staff person as executive director of the children's advocacy center. The executive director shall have a minimum of a bachelor's degree from an accredited college or university.
- (5) A governing board shall establish the staff positions necessary to support the administration and service delivery of the agency.
- (6) Staff providing direct services shall have a minimum of a bachelor's degree from an accredited college or university.
- (7) An employee of a children's advocacy center shall be at least twenty-one (21) years of age.
- (8) An applicant for employment shall submit to a criminal records check in accordance with KRS 17.165 and 922 KAR 1:470 during the application process and every two (2) years thereafter while employed by the center.
- (9) A center volunteer who has access to or contact with a child shall submit to a criminal records check in accordance with KRS 17.165 and 922 KAR 1:470 prior to beginning service to the center and every two (2) year thereafter while service is being provided to the center.
- (10) An employee of a center under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately removed from contact with children in the center until the employee is cleared of the charge.
- (11) A center volunteer under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately removed from contact with children in the center until the center volunteer is cleared of the charge.
- (12) An employee or designated agent shall have immunity from civil liability arising from performance within the scope of the person's duties and shall be provided a defense in civil actions pursuant to KRS 620.050(2).

Section 4. Center Services and Standards. A center shall meet the standards contained in the "National Children's Alliance 2023 Standards for Accreditation for Children's Advocacy Centers".

#### Section 5. Client Files and Documentation.

- (1) A center shall open a client file for a child who is provided a service, excluding service that is limited to a telephone conversation.
- (2) A client file shall include information sufficient to document the services provided or referral made by the center and shall include:
  - (a) The names of the client and primary caregiver;
  - (b) The name of the recipient of service;
  - (c) The client's address;
  - (d) The client's date of birth;
  - (e) Each date of service provided by the center;
  - (f) The name and title of each service provider of the center;
  - (g) A description of any services provided by the center;

- (h) The referral sources used;
- (i) A description of any follow-up services provided; and
- (j) Descriptions of contacts with, report to, and referrals from the cabinet and law enforcement agency.

(3)

- (a) A center shall maintain a system for tracking:
  - 1. Services rendered by region, except that comprehensive medical services and forensic interviewing shall be tracked by county of the client's residence;
  - 2. Clients seen by county of client's residence;
  - 3. Referrals made; and
  - 4. Contacts with other community agencies on behalf of clients.
- (b) Documentation shall be sufficient to support statistics reported to the cabinet.

#### Section 6. Funding.

(1)

(a) The cabinet shall designate one (1) regional children's advocacy center in each area development district.

(b) A children's advocacy center designated on or after July 1, 2007, shall retain the designation unless it has been rescinded by the cabinet based on:

- 1. Periodic review of the center's performance; or
- 2. The annual plan and budget submitted by the center to the cabinet for funding for the next fiscal year.

(c) The cabinet shall notify the Office of the Attorney General, the Department for Medicaid Services, and the Justice and Public Safety Cabinet of any designation of a regional children's advocacy center made pursuant to this administrative regulation.

(2) The requirements of this administrative regulation shall not prohibit the center from applying for nongovernmental grants or fundraising to support efforts consistent with the mission of the center.

(3)

(a) In addition to the provisions of subsection (1)(b) of this section, the Commissioner of the Department for Community Based Services may rescind the designation of a center if a determination is made that the center failed to:

- 1. Submit a budget and plan for services that substantiates the capacity to provide services specified in KRS 620.020(4) and in accordance with this administrative regulation;
- 2. Operate in accordance with a budget and plan for services approved by the cabinet; or
- 3. Operate in accordance with the requirements of this administrative regulation.

(b) Any notice of rescission of a designation shall:

- 1. Be in writing;
- 2. Be mailed to the center's last known mailing address;
- 3. State the basis for the rescission;
- 4. State the effective date of the rescission; and
- 5. State any appeal rights.

(c) The cabinet shall notify the Office of the Attorney General, the Department for Medicaid Services, and the Justice and Public Safety Cabinet of any notice of rescission of a designation of a regional children's advocacy center issued pursuant to this administrative regulation. Failure by the cabinet to provide such notice shall not serve as grounds for the affected center to invalidate the notice of rescission.

(4) Cabinet funding for a center shall be contracted through the regional center or the centers' state association.

(5) A center may contract or establish referral agreements with other agencies or professionals to provide services established in the "National Children's Alliance 2023 Standards for Accreditation for Children's Advocacy Centers".

(6)

(a) Except in cases where designation has terminated, as established in subsection (1) (b) of this section, a center that has received written notice that its designation has been rescinded may appeal the determination of the Commissioner of the Department for Community Based Services by requesting an administrative hearing.

(b) Any request for an administrative hearing shall be in writing and shall be received by the Department for Community Based Services within thirty (30) days of the date of receipt of the notice of rescission. This type of request shall be sent to the Office of the Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, 275 East Main Street, 3E-A, Frankfort, Kentucky 40621.

(c) Any administrative hearing held pursuant to this administrative regulation shall be conducted in accordance with KRS Chapter 13B by a hearing officer employed by the cabinet.

(d) A request for an administrative appeal shall stay the rescission of the designation until the administrative appeal process is final.

(e) The stay on the rescission of the designation granted by paragraph (d) of this subsection shall not extend to judicial review, unless a stay is granted pursuant to KRS 13B.140(4).

#### Section 7. Audit and Monitoring.

(1) The cabinet or its agent shall randomly, or upon receipt of a complaint, audit, monitor, or conduct program reviews of a center.

(2) A center shall allow the cabinet or its agent access to its property and records as required by subsection (1) of this section.

#### Section 8. Grievance and Appeals Process. Client grievances. A center shall establish a written grievance procedure that shall:

(1) Be given to the parent or guardian of each child who comes to the center for services; and

(2) Contain a description of the services provided by the center and the procedure for filing a client grievance in accordance with 922 KAR 1:320, Section 10.

#### Section 9. Incorporation by Reference.

(1) "National Children's Alliance 2023 Standards of Accreditation for Children's Advocacy Centers", 2023 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbcs/Pages/default.aspx>.

*LESA DENNIS, Commissioner*

*ERIC C. FRIEDLANDER, Secretary*

APPROVED BY AGENCY: July 7, 2023

FILED WITH LRC: July 13, 2023 at 11:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 25, 2023, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing.

Individuals interested in attending this virtual hearing shall notify this agency in writing by September 18, 2023, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2023. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email [CHFSregs@ky.gov](mailto:CHFSregs@ky.gov).